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JOURNALS OF THE
CONTINENTAL CONGRESS
1774-1789

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TUESDAY, APRIL 24, 1781

A letter, of November 6, from the hon^{ble} J. Jay; and
 One, of from Mr. W. Carmichael, were read.¹
 Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, APRIL 25, 1781

1192611

A letter, of 30 November, 1780, from the hon^{ble} J. Jay, was read, with sundry papers enclosed:²

Ordered, That the same, together with the letter, of 6 November, be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [Samuel] Adams, Mr. [James] Madison.

Mr. Nicholas Eveleigh, a delegate for the State of South Carolina, attended, and took his seat.

A letter, of 21 March, from Brigadier General Moultrie, to the delegates of South Carolina, was read, enclosing a letter of 31 January from Thomas Heyward, and an affidavit of Thomas Johnson and James McQueen, relative to the conduct of George Ashby, of Salem, commander of a privateer cutter, who, upon capturing the schooner *Endeavour*, commanded by the above named T. Johnson, took, as is therein set forth, several cases of liquors, packages and bundles of clothes, and money, the property of and consigned to gentlemen, prisoners of war, who had been sent from Charlestown to St. Augustine; and also intercepted and refused to re-deliver letters written to the said prisoners by their friends and near relations:

Ordered, That the said letters and papers be transmitted to the governor of the Commonwealth of Massachusetts: and that he cause inquiry to be made into the charge exhibited against Captain Ashby, and if, upon inquiry, Captain Ashby

¹ Jay's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 112; a letter of Carmichael's of November 28 is on p. 164.

² This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 169.

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shall be found guilty of what is charged against him, to cause such punishment to be inflicted on the said Ashby as the laws of the State shall authorise; and that the governor of the said Commonwealth be requested to communicate to Congress, the result of such inquiry.

A letter, of January 1, and one, of 9 April, from John Langdon to the Board of Admiralty, was read.

A letter, of 24, from Major General Gates, was read:¹

Ordered, That it be transmitted to the Commander in Chief.

The committee to whom was referred the motion of Mr. [Oliver] Wolcott having reported two ordinances:

The said ordinances were read a first time:

An Ordinance providing for the support of public credit.

Whereas Congress through unavoidable necessity in defending the just rights and providing for the safety of these United States against the Enemies thereof, was induced to have recourse to the Emission of Bills of credit and to pledge the faith of the said states for the redemption of them, prior to the ratification of the Act of Confederation by the respective States, and at a time when it had not a power of making taxes productive for the support of the credit of the said bills or for the redemption of them, from which and various other causes a depreciation of their value ensued, detrimental to the interest of these United States, and embarrassing their finances. And whereas by an act of the 18th of March 1780, Congress recommended to the several States to bring into the Treasury of the United States by taxes or otherwise, the Bills of credit which had been emitted as aforesaid, in order that they might be cancelled and destroyed by the month of April 1781, which recommendation for want of a more equal and effectual exertion in the said States hath not been complied with, and the expectations of Congress in having the said Bills brought into the Treasury and cancelled have been disappointed. And whereas the situation of the public affairs of these United States renders it indispensibly necessary for the defence thereof, that immediate and effectual measures be taken to restore the public credit and to enable Congress to prosecute the war so justly and so necessarily entered into by the said States, and it appears essentially necessary thereto, that ample provision be made for the redemption of the Bills of credit heretofore emitted by Congress prior to the 18th of

¹ This letter is in the *Washington Papers*, 96, folio 201.

March 1780, in such manner that justice may be finally done both to the United States and to individuals, and to the end also, that a due arrangement and administration of the Finances of these United States may speedily take place: BE IT ORDAINED BY THE UNITED STATES IN CONGRESS ASSEMBLED, and it is hereby ordained by the authority of the same, that from and after the passing of this ordinance the respective States in this Union shall pay or cause to be paid to the Treasurer of the United States for the time being, their respective quotas of ten millions of dollars annually for and during the term of twenty years to commence on the first day of April in the year one thousand seven hundred and eighty two, and to be continued thereon annually until the expiration of the aforesaid twenty years, which said quotas of ten millions shall be and is hereby ascertained in the same proportion as their respective quotas of 200,000,000 of dollars omitted before the 18th of March 1780 and hereby intended to be redeemed, have heretofore been ascertained by Congress, and shall be paid in Spanish milled Dollars or other gold and silver equivalent thereto, or in the Bills of credit emitted by Congress as aforesaid, which said Bills of credit when received into the Treasury of the United States shall be destroyed by burning them, and shall not under any pretence whatsoever be reissued therefrom.

And be it further ordained, that from and after the expiration of the aforesaid twenty years if any of the said Bills of credit emitted by Congress before the 18th of March 1780 and hereby intended to be redeemed, shall remain outstanding, the holder or holders of such Bills shall be entitled to and shall be paid by the Treasurer of the United States for the time being, the value thereof in gold or silver equal to Spanish Milled Dollars, or in Spanish milled Dollars according to the nominal value declared in the said Bills of credit, on demand, and the same shall be repaid by such States respectively in just proportion, as shall have failed in the payment of their quotas of such Bills respectively, with Interest thereon.

Provided nevertheless, that no State or States shall engross by any means whatsoever more of the said Bills of credit intended hereby to be redeemed, than shall amount to the full quota of such State or States as ascertained by Congress, with a view to receive any advantage from this ordinance, or otherwise to exchange them for specie to the injury of any other State or States in this Union.

And be it further ordained, that any State or States respectively shall be at full liberty to pay to the Treasurer of the United States for the time being, at any time within the said twenty years, any

further sum or sums of the said Bills of credit emitted before the 18th of March 1780, so as that the same shall not exceed the quota of such State or States, as heretofore ascertained by Congress; and the said Treasurer shall, and he is hereby required to grant a quietus to the State or States paying the same, which said Bills of credit so received shall be destroyed as aforesaid, and the State or States so paying the same, to the amount of their respective quotas of 200,000,000 of Dollars emitted as aforesaid, shall thenceforth be exonerated and discharged from the payment of any other sums within the purview of this ordinance, for the remainder of the term herein before specified, any thing herein contained to the contrary notwithstanding.

And whereas it is indispensibly necessary to the proper arrangement of the Finances and to the restoration of public credit within these United States, that due obedience be paid to the ordinances which are or shall be passed by the United States in Congress assembled without which they must remain a fruitless pledge for the security of all who confide in their laws; And whereas justice and precision should mark the conduct of the United States, to the end that each State in the Union may have a firm reliance upon them, and that right may be done to all and every of them in the administration of public affairs; Be it therefore further ordained, that from and after the passing of this ordinance, if any State or States in this Union shall refuse or neglect to comply therewith without sufficient reason, to be assigned by the Delegates of such State or States and approved by the United States in Congress assembled, the Treasurer of the United States for the time being shall certify the same to the President of Congress who shall forthwith lay the same before the United States in Congress assembled and thereupon if cause be not shewn to the contrary, a remonstrance shall issue under the sign manual of the President of Congress for the time being and under the seal of the United States, attested by the Secretary of Congress, against the conduct of such delinquent State or States, and demanding full payment of the arrears of such State or States with Interest thereon according to the purport and tenor of this ordinance, at a day certain, to be assigned by the United States in Congress assembled, and if such delinquent State or States shall thereafter refuse or neglect to comply therewith a prohibition shall thenceforth issue against the commerce of such delinquent State or States in the manner prescribed in the case of a remonstrance, both by sea and land, and the same shall be continued until full payment be made as aforesaid, and justice duly rendered to the United States.

And be it further ordained, that all former Acts or Resolutions of Congress, passed prior to the ratification of the Articles of Confederation touching in any wise the Bills of credit emitted by Congress before the 18th of March 1780, shall be and the same are hereby repealed.¹

An Ordinance for emitting the sum of ten millions of Dollars in Bills of Credit and providing for the redemption thereof; and for other purposes therein mentioned.

Whereas it is indispensibly necessary for the defence of these United States, that due provision be made for the support of the Army and for prosecuting the war so justly entered into, which provision from the partial exertions of the several States in this Union, and from the impracticability of enforcing the just, equal and necessary measures of Congress, before the Ratification of the Articles of Confederation by the respective States, hath hitherto been unattainable: And whereas the Bills of Credit emitted by Congress for the purpose of carrying on the present war have been suffered to depreciate for want of the equal and timely exertions of the States, by taxes or otherwise, to collect and destroy them, in so much that to have encreased the emissions of such Bills and to have preserved the public faith pledged for the redemption of them, would have been productive of ruin to these United States: And whereas under these circumstances, and from the low state of the Treasury, Congress, were obliged to have recourse to requisitions for specific supplies from the Several States and to the issuing certificates to individuals for their property converted to the public use; a mode unproductive, expensive, unequal and oppressive; by which the burthen of the war has been thrown upon particular States, and the Individuals of such States, where the public exigencies more immediately pressed: And whereas, it is both just and requisite that every State in this Union should bear and contribute its due proportion of the public expences, and that a mode of raising supplies so partial and so oppressive should be discontinued: And whereas, the revenue of these United States is not sufficiently productive of gold and silver coin to answer the exigencies of the States in the present war; and, therefore, as well as for all the above reasons, it is become necessary to emit bills of credit upon the faith of the United States, which may have a

¹ This ordinance, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 36, I, folio 163. It was read a second time, May 2, and the first paragraph negatived, as the indorsement shows.

general currency throughout the same, and also to take proper measures to support the credit thereof by duly providing for the redemption of the said Bills at the time hereinafter stipulated, according to the power and authority granted to the *United States in Congress assembled* by the Articles of Confederation.

BE IT THEREFORE ORDAINED BY THE UNITED STATES IN CONGRESS ASSEMBLED, and it is hereby ordained by the authority of the same, that the sum of ten millions of dollars be emitted in Bills of credit which shall be redeemed at the time and in the manner hereinafter mentioned; one part of said Bills to be of the denomination of one-sixth of a dollar; one part of the denomination of one-half of a dollar; one part, of the denomination of one dollar; one part, of the denomination of four dollars; one part, of the denomination of six dollars; one part, of the denomination of ten dollars; and one part, of the denomination of twenty dollars; which said Bills shall be emitted under the directions of the Board of Treasury, and on the faith of the United States, in the form following:

[United States in Congress assembled.

No. Dollar

This Bill entitles the Bearer to receive Spanish milled Dollars, or the value thereof in gold and silver on the first day of April 1785, according to an Ordinance passed at Philadelphia day of 1781.]

And each denomination of the said Bills shall be numbered, beginning with one, upwards, and signed by two signers, and countersigned by the Treasurer of these United States, which numbering and signing shall be done in red ink, and the said Bills so emitted, numbered and signed, shall issue from time to time in payment of all debts, and contracts made or to be made on account of these United States within the same at the full value of Spanish milled dollars according to the nominal sum expressed in the said Bills or any of them, and shall also be receivable at the Treasury of the United States in payment of all debts due to the United States, in like manner.

And be it further ordained, that the respective States in this Union shall pay or cause to be paid to the Treasurer of the United States for the time being their respective quotas of two millions two hundred and fifty thousand dollars annually, for and during the term of four years, the first payment to commence on the first day of November next and to be continued thereon, annually until the expiration of the aforesaid four years, which said Quotas shall be and are hereby ascertained in the same proportion as their respective Quotas of Bills emitted prior to the 18th of March 1780, have heretofore been

ascertained by Congress, and shall be paid in Spanish Milled Dollars, or other gold and silver equivalent thereto, or in the Bills of credit emitted by this ordinance, *or in any other Bills of Credit which may in like manner be emitted by Congress subsequent thereto, which said other Bills of Credit if any shall be received shall be retained in the Treasury and not reissued except in Exchange for the Bills to be redeemed by virtue of this ordinance*, and the said Bills of Credit emitted by this ordinance, when they shall be received into the Treasury of the United States shall be destroyed by burning them, and shall not under any pretence whatsoever be reissued therefrom.

And be it further ordained that from and after the aforesaid first day of April 1785 expressed in the form of the Bills hereby emitted, if any of the said Bills of credit shall remain outstanding, the holder or holders of such outstanding bills shall be entitled to and shall be paid by the Treasurer of the United States for the time being, the value thereof in gold or silver equal to Spanish milled dollars, or in Spanish milled dollars, according to the nominal value declared in the said Bills on demand, and the same shall be repaid by such State or States respectively in just proportion, as shall have failed in the payment of their Quotas of such Bills respectively with interest thereon.

Provided nevertheless, that no State or States shall engross by any means whatsoever, with a view to receive any advantage from this ordinance or otherwise to exchange them for specie to the injury of any other State or States in this union, more of the said Bills of Credit hereby intended to be redeemed, than shall amount to the full Quota of each State or States as ascertained aforesaid by Congress.

And whereas Congress by Resolutions dated the 18th of March 1780 directed certain Bills of Credit to be prepared and issued pursuant to the said resolutions which from divers causes have not been completed or fully complied with whereby the expectations of Congress in passing the said Resolutions have been disappointed, and whereas by the said resolutions 4/10^{ths} of the said Bills were reserved for the immediate use of the United States, and it is judged expedient that no part of the remaining 6/10^{ths} of said Bills of Credit shall issue from and after the passing of this ordinance; be it therefore ordained, that from and after the passing of this ordinance, so much of the said resolutions as directs the manner of issuing the said Bills be and the same is hereby repealed.

And be it further ordained, that the Persons appointed to sign the Bills of Credit directed to be issued pursuant to the Resolutions of

the 18th of March aforesaid, proceed immediately to sign one fourth part of the 4/10^{ths} of the quota of said Bills assigned to the respective States, and that the Loan Officers of the respective States pay the said one fourth part of the four tenths of said Bills to the Treasurer of the United States for the time being, or to his order, as soon as the said Bills shall be signed and compleated as aforesaid, and the said Treasurer shall stamp or cause to be stampd before the issuing of the said Bills the following words in red ink upon the back of said Bills ["Interest paid the day of "] filling up the said blanks with the month, the day of the month, and the year, at the time of issuing the said Bills, and the said Bills so issued shall bear Interest according to the tenor thereof from and after the day of issuing the same until they shall be redeemed or exchanged in the manner herein after directed.

And whereas the State of the Treasury of these United States renders it necessary that the said one fourth of the four tenths of said Bills issue in payment of all demands upon the same and nevertheless it is inexpedient that the said Bills so issued on account of these United States, should bear Interest and continue in circulation according to the tenor of the resolutions of the 18th of March 1780 aforesaid *Be it therefore ordained* that the Treasurer of these United States for the time being, shall issue the said one fourth of the four tenths of said Bills or such part thereof as shall be requisite in payment of all warrants drawn or to be drawn upon the Treasury until the said Bills to be emitted by virtue of this ordinance shall be prepared according to the directions of this ordinance to be issued, and no longer, and the Treasurer of these United States for the time being is hereby authorised and directed to transmit within the space of six months from the passing of this ordinance to the respective Treasurers of the States from whence the one fourth of the respective four tenths of said Bills shall have issued, so many of the Bills of credit emitted pursuant to this ordinance as shall be sufficient to redeem the one fourth part of the said four tenths of the Bills aforesaid as shall have issued upon the Funds of the said respective States, by exchanging them for the same, and the holder or holders of the said one fourth part of the said four tenths of the said bills in the respective States shall carry in the same to the Treasurer thereof, to be exchanged as aforesaid on or before the first day of April in the year one thousand seven hundred and eighty two, after which time the Interest on the said Bills shall cease and the same shall be no longer current within these United States.

Here the repetition begins.¹

And whereas it is indispensibly necessary to the proper arrangement of the finances and to the restoration of public credit within these United States, that due obedience be paid to the ordinances which are or shall be passed by the *United States in Congress assembled*, without which they must remain a fruitless pledge for the security of all who confide in their laws; and whereas justice and precision should mark the conduct of the United States to the end that each State in the Union may have a firm reliance upon them, and that right may be done to all and every of them in the administration of public affairs: *Be it therefore further ordained*, that from and after the passing of this Ordinance, if any State or States in this Union shall refuse or neglect to comply therewith without sufficient reason, to be assigned by the Delegates of such State or States and approved by the United States in Congress assembled, the Treasurer of the United States for the time being shall certify the same to the President of Congress who shall forthwith lay the same before the United States in Congress assembled and thereupon if cause be not shown to the contrary a remonstrance shall issue under the sign manual of the President of Congress for the time being, and under the seal of the United States, attested by the Secretary of Congress, against the conduct of such delinquent State or States, and demanding full payment of the arrears of such State or States with interest thereon, according to the purport and tenor of this ordinance, at a day certain, to be assigned by the United States in Congress assembled and if such delinquent State or States shall thereafter refuse or neglect to comply therewith a *prohibition* shall thenceforth issue against the commerce both by sea and land, of such delinquent State or States, in the manner herein prescribed in the case of a remonstrance, and the same shall be continued until full payment be made as aforesaid, and justice duly rendered to the United States.

And be it further ordained that so much of any act or resolution of Congress passed before the ratification of the Articles of Confederation, as comes within the purview of this ordinance be, and the same is hereby repealed.²

Ordered, That they be read again to Morrow.

Adjourned to 10 o'Clock to Morrow.

¹ These words in the margin are in the writing of Samuel Huntington.

² This ordinance, in the writing of Meriwether Smith, except the parts in brackets, which are in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 36, I, folio 169.

THURSDAY, APRIL 26, 1781

A letter, of 21, from the executive council of the eastern shore of Maryland, was read:

Ordered, That it be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [James] Madison, Mr. [John] Sullivan.

A letter, of 18, from Count de Rochambeau, was read.¹

A letter, of 21, from General Washington, was read;² Whereupon,

Resolved, That the quartermaster general be, and he is hereby authorised to appoint Colonel Champlin, of Newport, a barrack-master to the French army; and to annex to that office a salary, not exceeding the pay of an assistant deputy quartermaster.

The report of the Board of War of the 16 March last, on a letter of the 15 of the same month from the paymaster general, was taken into consideration; and, Thereupon,

WAR OFFICE *March 16. 1781.*

SIR,

The Board have the honor to lay before Congress a letter from the Pay Master General on the subject of Pay due Capⁿ Lieutenants of Artillery and Lieutenants and Sergeants of Infantry. We conceive that the matter was properly considered by Congress at the time of settlement of the pay of the Army in 1778 and that the Appointments of these Officers should be as they were then fixed. We therefore beg leave to report,

Resolved, That the pay of captain-lieutenants of artillery, and of lieutenants and serjeants of infantry be paid in bills of the new emissions, at the rate fixed for the pay of those officers and non-commissioned officers respectively, on the 27 day of May, one thousand seven hundred and seventy-eight, any former resolution of Congress to the contrary hereof notwithstanding.³

¹ The Maryland letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 463; Rochambeau's letter is in No. 78, XIX, folio 343, a copy being on folio 351.

² This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 89.

³ This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 307.

The Board of Treasury reported that in pursuance of the act of the 5th day of September last, they have prepared loan office certificates to the amount of one million dollars specie value, which are ready to be sent forward to the several continental loan officers; Whereupon,

TREASURY OFFICE *April 23rd 1781.*

The Board of Treasury beg leave to inform the United States in Congress assembled that the Certificates ordered to be prepared by the Act of the 5th of Sep^r last are ready to be sent forward to the several Continental Loan Officers. That before they are sent the Board wish to have the sense of Congress whether the Commissioners afs^d are to consider the new money of specie value dollar for dollar.

The Board conceive the greatest disadvantage may result to the community, if it is so to be considered, as it is well known at this instant a considerable depreciation has already taken place in all the States where it has issued—they therefore propose the following Resolutions:

Resolved, That the commissioners of the several continental loan offices issue the specie certificates ordered by the resolution of the 5th day of September, 1780, only on their receiving specie, or upon the order of Congress, or of the Board of Treasury, for the balance of accounts liquidated in specie value.

The Board have rec^d a letter from Cha^s Pettit Esq As^t Q. M. General dated the 20th inst. together with copies of a letter and Estimate approved by the Board of War from Donaldson Yates Esq D^y Q. M. for the States of Maryland and Delaware, requesting a supply of money for that Department and having taken the same into consideration, beg leave to report

Ordered, That a warrant issue on Thomas Harwood, commissioner of the continental loan office for the State of Maryland, in favour of Charles Pettit, assistant quartermaster general, on account of Colonel Timothy Pickering, quartermaster general, for twenty-six thousand and eighty dollars new emission, to be transmitted to Donaldson Yates, deputy quartermaster for the States of Delaware and Maryland, for the use of that department, and for which sum the said

Colonel Timothy Pickering, quartermaster general, is to be accountable.¹

The Board of Treasury, to whom was referred the petition of Colonel Moses Hazen, delivered in a report; Whereupon,

TREASURY OFFICE *April 24th 1781*

The Board having considered the petition of Col. Moses Hazen referred to them the 3^d instant beg leave to Report,

That agreeably to the resolution of the 26th of August 1777 the Commissioners of claims found a balance due to Col. Hazen "for hard money advanced by him" six thousand six hundred and eighteen dollars and $\frac{8}{10}$ ^{ths} of a dollar and a further sum of two thousand one hundred and seventy six dolls. and seven and a half ninetieths of a dollar for "commodities furnished by him for the use of the Army in Canada." That a charge of eight hundred dollars paid by Col. Hazen to Col. Antill was disallowed Col. Hazen for want of a proper voucher, which has since been furnished and the charge admitted: a further sum of two hundred and ten pounds ten shillings and eleven pence, also disallowed, in the following words: "Amount of pay abstract for Cap^a Quatrifager's Company not properly certified, but which is to be allowed when vouched." This Board are now of opinion that the sum last mentioned has since been as well vouched as the nature of the case would admit and ought to be allowed—upon the whole it is the opinion of the Board that the sum of ten thousand two hundred and ninety six dolls. and seventy two ninetieths of a dollar in specie is due to Col Moses Hazen with an interest thereon at the rate of six pr. cent pr. annum from the first of May 1776 and that he ought to be paid the same, or at least the interest due thereon as soon as any other creditor of the United States—whereupon they submit the following order,

Ordered, That the Board of Treasury place to the credit of Colonel Moses Hazen, the sum of thirteen thousand three hundred and eighty-six dollars and two-ninetieths of a dollar specie, being the principal and interest of money due to him to the 1st of May, 1781; and that the same bear an interest at the rate of six per cent. per annum from the 1st day of May next aforesaid, until paid.²

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 251.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 255.

The Board of Treasury, to whom was referred the letter, of 6, from the governor of Virginia, delivered in a report; Whereupon,

Ordered, That a warrant issue on the treasurer of the State of Virginia, in favour of Charles Pettit, assistant quartermaster general, on account of Major General Greene, late quartermaster general, for the sum of five millions three hundred and forty-six thousand four hundred and thirty-eight dollars and fifteen ninetieths of a dollar, part of the money due from the said State prior to the first day of March, 1780, and which has been advanced by the said State to William Finnie, deputy quartermaster general, for which sum the said Major General Greene, late quartermaster general, is to be accountable:

Ordered, That the remainder of the report be referred to a committee of three:

The members, Mr. [Abraham] Clark, Mr. M[eriwether] Smith, Mr. [Joseph] Montgomery.

The committee on the letter, of 19 February, from Baron d'Arendt; and

The committee on the letter, of 28 March last, from the governor of the State of New York, delivered in their several reports.

The committee on the letter, of 13 March, from R. Morris, delivered in a farther report.

The report of the committee on the letter, of 28 March, from the governor of the State of New York, was read:

April 25th, 1781.

The Committee to whom were referred the Letter of 28 March last from the Governor of the State of New York and sundry other papers accompanying the same beg leave to report:

That a letter be addressed to the Governour of the State of New York informing him that although Emissions of Paper Money on the sole and separate Credit of the respective States are considered as productive of manifold Inconveniences and greatly embarrassing to

the Public Measures, yet Congress considering also the peculiar situation of the State of New York and that the Emission described in their Act of 27 March last is not intended and cannot operate to increase the Quantity of Bills of Credit proposed to be put into Circulation pursuant to the Resolutions of 18 March 1780 are unwilling to disapprove of the Expedient which the Legislature of the State of New York have adopted.

That the Governour of the State of New York be further informed That orders will be drawn for the 164,500 dollars mentioned in his letter aforesaid and the papers accompanying it, as requested.

That ~~particular reasons forbid the transmitting of~~ [the State of New York ought not to rely upon] the Bills of Exchange on Europe ~~at this time~~ for payment of Interest on the Bills of Credit emitted pursuant to the Resolutions of 18 March 1780 and that therefore ~~it be recommended to the State of New York~~ they ought to make use of the other means in their power to discharge the ~~interest on their bills of credit~~ same

That Congress will give orders for forwarding Bills to exchange at the end of the year the Bills emitted pursuant to the Resolutions of 18 March 1780 or adopt such measures as may render the Exchange unnecessary.

That as the Period assigned for the Circulation of the former Continental Bills of Credit 'expires with the present month it is expected every State in which any of the said Bills may then still circulate and who have not redeemed their Proportion of them will take effectual measures to draw the same out of Circulation immediately thereafter.¹

Ordered, That it be re-committed.

On motion of Mr. M[eriwether] Smith, seconded by Mr. [Samuel] Adams,

Ordered, That the Board of War cause the rampart muskets in their possession to be repaired; and forward, with all possible despatch, to the executives of the State of Virginia and North Carolina, a quantity not exceeding two thousand, to each State, charging to the said states respectively, the value of the muskets, with the expence of repairing and transporting them.

¹ This report, in the writing of William Churchill Houston, except the part in brackets, which is in the writing of Samuel Huntington, is in the *Papers of the Continental Congress*, No. 20, I, folio 373.

AT A BOARD OF WAR April 26. 1781

Present, Mr Peters, Colonel Grayson,

The Board having taken into consideration a letter of the 10th instant from Major L Keene aid de camp to Major General S^t Clair herewith transmitted,

Beg leave to report

That a Warrant issue on Thomas Smith Esq^r Commissioner of the Continental Loan Office for the State of Penn^a in favour of the paymaster General for eight thousand one hundred sixty six dollars and two thirds of a dollar in bills of the old emissions for the payment of a detachment of the 4th reg^t of light dragoons from the 1st March 1780 to the 31st July following, for which sum the said paymaster general is to be accountable.

That another Warrant issue on Thomas Smith Esq^r in favour of the paymaster General for one thousand nine hundred and ninety dollars in bills of the new emissions for the payment of the aforesaid detachment, from the 1st August 1780 to the 31st October following, for which sum the said paymaster general is to be accountable, these warrants to have a preference in payment to all others of a prior date.¹

Adjourned to 10 o'Clock to Morrow.

FRIDAY, APRIL 27, 1781

A letter, of 28 January last, from the hon^{ble} J. Jay, was read:

Ordered, That no more of the bills drawn on the hon^{ble} John Jay or the hon^{ble} Henry Laurens be sold until the farther order of Congress, and that the Board of Treasury take immediate steps for stopping the sale.²

A letter, of 22, from Major General the Marquis de la Fayette, was read:³

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Mathews, Mr. [Daniel] Carroll, Mr. [George] Clymer.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 15. Thomson's indorsement says: "This included in an order for a warrant."

A letter, of 24, from Mordecai Sheftall was read, according to the indorsement. It is in the *Papers of the Continental Congress*, No. 78, XXI, folio 56.

² These two paragraphs were also entered in the manuscript Secret Journal, Foreign Affairs.

³ This letter is in the *Papers of the Continental Congress*, No. 156, folio 127.

A letter, of 17, from the governor of Connecticut, was read:¹
Ordered, That it be referred to the Board of War.

A petition from the officers of Colonel Baldwin's regiment of artificers was read:

Ordered, That it be referred to the Board of War.

A letter, of 21, from Mathias Halsted, was read, with sundry papers enclosed:

Ordered, That the same be transmitted to the Commander in Chief.

A letter, of 23, from Richard Carson, was read:²

Ordered, That it be referred to the Committee of Foreign Affairs to take order.

A letter, of 22, from the Chevalier Paul-Jones, was read, expressing his obligation for the vote of thanks; and

A letter, of this day, from J. Gibson, were read.³

A letter, of 22 February, from W. Carmichael;⁴ and

A letter, of 23 and 25 January, from Mr. Dumas, were read.

Ordered, That the letter from Mr. Dumas be referred to the committee on his former letter, of October 4.

A letter, of 26, from the Board of War, was read; Whereupon,

WAR OFFICE, April 26. 1781

SIR,

In consequence of the resolve of the 21st Oct: 1780, we expected that the Quarter Master General would be enabled to procure from the Continental Agent at Boston a handsome supply of Tent cloth, as that Act of Congress directed the delivery of all Duck in Mr Bradford's hands except so much as the Admiralty Board should think necessary for the immediate supply of the Navy. The Admiralty Board have given it as their opinion that the whole is necessary, and

¹ This letter is in the *Papers of the Continental Congress*, No. 66, II, folio 194.

² The officers' petition, dated April 20, 1781, is in the *Papers of the Continental Congress*, No. 42, VI, folio 43; Halsted's letter is in the *Washington Papers*, 96, folio 236; a copy is in the *Papers of the Continental Congress*, No. 78, XII, folio 137; Carson's letter is in No. 78, VI, folio 27.

³ Jones's letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 228; Gibson's is in No. 78, X, folio 319.

⁴ Carmichael's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 265.

therefore none could be obtained under the Resolution to our very great disappointment.

By letter received this day from the Q. M. G. he informs us that Mr Bradford has more than one thousand pieces, but whether or not his information is just, as it is not founded on any authentic documents, we cannot determine. Col. Pickering only required thirty pieces, and these might have been, if obtained, manufactured into Tents at this time. We think it our duty to lay this matter before Congress, that if they choose to give positive orders in the business they may be pleased to do it. If this should be their determination, it will be proper to resolve,

Ordered, That John Bradford continental agent at Boston deliver to the Quartermaster General or his order, all the duck in his hands belonging to the United States proper for tents.

When the Board are informed of the quantity received from Mr Bradford, they will of course direct a deduction to be made from the Q. M. General's estimate of so many Tents as can be made out of the materials procured from Mr Bradford.¹

A report from the Board of Treasury on a liquidated account of Capt J. Schott, was read:

TREASURY OFFICE *April 21. 1781*

Upon the re-commitment of the Reports of the Treasury in the cases of John Lloyd and W^m Paulding the Board beg leave to explain,

That altho both are involved in the Department of the late Commissary General Trumbull, and ought to be settled upon a common principle, yet the nature and operation of the two demands are essentially different. Both their accounts have been liquidated, and the balances ascertained by the Persons appointed by Congress for that purpose, who, no doubt have retained copies for cheques; but Mr Lloyd demands payment, while the other asks only for an acknowledgement of the settlement and balance due, with annual interest.

A material reason why, the accounts of a department should not be partially settled is that it is to be supposed, that the principal is in cash, equal to its demand, and this reason governed in the case of Mr Lloyd, but could not operate in that of Mr Paulding: because if it should be found that the representatives of Mr Trumbull are in cash equal to the demands of the department Mr Paulding might yet

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 29.

be paid out of it; but should Mr Lloyd be actually paid in cash, or Loan Office certificates bearing French interest (an unreasonable and improper demand in itself) the public at a crisis of distress must be in advance two sums for the discharge of one debt, if however, he should yield in the extent of his claim, and should agree to take a similar acknowledgement of his debt with Mr Paulding, the Board are of opinion that it should be done.

The Board beg leave to inform the United States in Congress assembled,

That there is a considerable sum of the old emissions brought in to be cancelled, but on account of the allowance to the Commissioners for examining, counting and burning the same as mentioned in the resolution of Congress of the 4th December last being inadequate not only in the opinion of the Commissioners but also in the opinion of this Board, that business is entirely stopped. That the Commissioners, as may be seen by their letter herewith submitted, demand twenty shillings specie each p^r day or six pence p^r thousand dollars. The former the Board are of opinion ought not to be complied with, because there is no certainty or any probability that the old monies will come in fast enough to keep them constantly employed, and the latter demand will be a very expensive allowance from the public as a little calculation will demonstrate.

The Board are of opinion that four pence specie p^r thousand is an adequate allowance but have reason to believe that they will not act under six pence: the United States in Congress assembled will please determine.

That Captain John Schott of Col. Armands independent Corps, has lodged in the Treasury Office a duplicate of a liquidated account with a certificate from one of the Auditors of the Army of the balance due in specie and applies for payment, agreeable to the resolution of the 16th inst: but the Board not knowing whether it was intended by the concluding Article of that Act, to repeal that of the 27th of March directing the Board of War to draw warrants for payment of such Accounts and not understanding the resolution of the 13th inst. directing that application for that purpose be made in the first instance to the Pay Master accompanied with proper warrants, and there being no resolutions authorising the Board to draw warrants on the Military Chest: they beg leave to refer this business to the United States in Congress assembled for their direction.¹

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 247.

Ordered, That it be referred to the Board of War to take order, the resolution of 4 January last notwithstanding.

Another report from the Board of Treasury was read; Whereupon,

Ordered, That upon the application of Jacob Hiltzheimer, a warrant issue in his favor on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for one thousand dollars of the new emission to purchase forage for the use of the horses under his care, and for which sum the said Jacob Hiltzheimer is to be accountable:

Ordered, That the remainder of the report be re-committed.

The committee to whom was referred the letter, of 21, from the executive council of the eastern shore of Maryland, reported the draught of an answer, which was agreed to:

Ordered, That the letter be referred to the Board of War.

The report of the committee on the letter of 13 March from Robert Morris was taken into consideration; Whereupon,

In order that the superintendant of finance may be at liberty to devote his time and attention to the more immediate duties of his office,

Resolved, That he be, and hereby is, authorised to appoint by letter of attorney, or otherwise, such person or persons as he may think proper, to prosecute or defend for him in his official capacity, or on behalf of the United States, in all places where the same may be necessary:

That the oath of office to be taken by the superintendant of finance be as follows:

I do swear (or affirm), that I will truly and impartially execute the office of superintendant of the finances of the United States of America, to which I am appointed; and will, in all respects, discharge the trust reposed in me by the said appointment, with fidelity, justice, and integrity, to the best of my skill and understanding:

That the form of the commission to the superintendant of finance be as follows:

or his principal assistants, the sums advanced and wages due to persons under the above description, can only be known, as a proper account of the expenditures in that department does not appear to have been produced, or the large sums advanced thereto in any manner accounted for, untill which is done, your committee are of opinion no advances can be made with propriety to deputies and persons employed in that department under the late Quarter Master general.

With respect to those employed under the present arrangement of the quarter masters department passed in Congress the 15th July last your Committee beg leave to remind Congress, that by the said arrangement it is directed;

That one of the duties of assistant quarter [master] general shall be "to receive from the respective deputies at the end of every three months, returns of all persons employed, how where and on what conditions, and returns of all public property belonging to the department.

That the returns be made to the assistant quarter master general in March June September and December, and that the general returns be furnished to the quarter master general as soon after as possible.

That the quarter master general make returns to the Commander in Chief and Board of War, as soon as possible after they are delivered in to him by the assistant quarter master general of all officers and other persons employed.

That all officers in the quarter master generals department of what ever denomination, shall take the oaths of allegiance, and the oath of office prescribed by Congresss, before they enter on business.

That with the returns before directed to be made of the name and station of each person to be appointed in the quarter masters department, there be also at the same time certificates returned therewith, of their having respectively taken the oaths and qualifications aforementioned.

That in settling the accounts of officers in the quarter masters department to be appointed by this Act of Congress, no pay or allowance whatever be granted to any person employed in that department whose name and employment together with a certificate of his taking the aforesaid oaths, shall not be duly returned in manner above directed." After the above recitals, your Committee beg leave further to inform Congress, that upon enquiry they cannot find any of the returns above mentioned have been made to the Board of War; in consequence of which omission, your Committee are of

opinion no advance for pay can be made to persons acting under the present quarter master general, untill the Act of Congress above mentioned, requiring returns of their names stations and employments with certificates of taking the oaths enjoined are fully complied with.¹

Adjourned to 10 o'Clock to Morrow.

SATURDAY, APRIL 28, 1781

A letter, of March 19th, from Brigadier General Moultrie; and

A memorial from sundry officers, prisoners at Charlestown, were read:²

Ordered, That they be referred to a committee of three:

The Members, Mr. [John] Mathews, Mr. [Samuel John] Atlee, Mr. [George] Walton.

A letter, of 24, from E. Forman, one of the commissioners of the Board of Treasury, was read, requesting a decision on the report of the committee on the charges brought by the treasurer of loans against the commissioners of the Board of Treasury, and communicating his desire to leave the Board, and that Congress will be pleased to signify their acceptance of this his resignation:³

Ordered, That Wednesday next be assigned for the consideration of the report above mentioned.

A report from the Board of Treasury was read; Whereupon,

¹ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, V, folio 471. It was delivered this day and recommitted on May 4. It is in the list of postponed reports in No. 31, folio 372.

A letter, of 24, from James Smith was read, according to the indorsement, and referred to the Board of Treasury. It is in the *Papers of the Continental Congress*, No. 78, XXI, folio 61.

A letter from Captain William Gould was read, according to the indorsement, and referred to the Board of Treasury; it is in the *Papers of the Continental Congress*, No. 136, V, folio 265.

² Moultrie's letter is in the *Papers of the Continental Congress*, No. 158, folio 481; the memorial from the officers, signed by Charles Cotesworth Pinckney, is on folio 485.

³ This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 473.

TREASURY OFFICE, *April 28th 1781.*

Upon the recommitment of the report of the 26th inst. on the application of the Hon'ble W^m Few, a Delegate for the State of Georgia, the Board of Treasury beg leave to report,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Mr. [William] Few, a delegate for the State of Georgia, for two hundred and sixty-six dollars new emissions, for which the said State of Georgia is to be accountable.¹

The committee appointed to confer with the executive of the State of Pennsylvania, relative to expediting the march of the Pennsylvania line, delivered in a report; Whereupon,

The Committee appointed to confer with the Executive of the State of Pennsylvania relative to expediting the march of the Pennsylvania line, report, That there is wanting eleven thousand six hundred and forty dollars of the new Emission, to enable the Paymaster Gen^l to pay up the said line as promised, and to enable them to march immediately, which sum the Executive of the said State has agreed to furnish the Pay Master Gen^l with, to be credited to the said State of Pennsylvania by Congress.

Ordered, That a warrant issue on the president and supreme executive council of the Commonwealth of Pennsylvania, in favour of John Pierce, paymaster general, for thirteen thousand seven hundred and forty dollars new emission, for expediting a detachment of the Pennsylvania line to the southward, for which sum the said paymaster general is to be accountable, and that the same be placed to the credit of the said Commonwealth.²

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *April 26, 1781*

Present Mr. Peters

Col. Grayson

The Board taking into consideration a letter from Major Aquilla Giles herewith transmitted,

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 259.

² The first paragraph of this report is in the writing of Theodorick Bland; the second is in Charles Thomson's hand, the amount having been increased by 2,100 dollars. It is in the *Papers of the Continental Congress*, No. 20, II, folio 127.

Agreed to report to Congress,

That the Board of War be empowered and directed to grant a warrant on the Paymaster General for three months Pay on account.¹

WAR OFFICE *April 27, 1781*

SIR

The Board do themselves the honor to submit to Congress the application of Lt Col. Jameson of Colonel Sheldon's regiment of dragoons requesting to be reimbursed his expences while on command in this city.

The Board beg leave to inform Congress that Col. Jameson was sent here in November last by order of Col. Sheldon to procure arms accoutrements and cloaths for that regiment and has been ever since on that business.

Should Congress be of opinion that Colonel Jameson should be reimbursed his expences to the first of March last at which time the allowance of three dollars a day for expences on command was taken away—they will be pleased to resolve—

That the Board of War draw a Warrant on the Paymaster General for three hundred and thirty nine dollars of the new emission in favour of Lt Col. Jameson to reimburse him his expences from the tenth day of November last till the first day of March.

That the said Board draw a Warrant on the Paymaster General in favour of Lt Col. Jameson for three months pay and subsistence the resolve of the 4th January last notwithstanding.²

AT A BOARD OF WAR *April 28, 1781*

Present Mr Peters

Colo. Grayson

The Board having taken into consideration a letter of the 26th instant from Lieutenant Colonel Barber ~~of the Artillery,~~ herewith transmitted,

Beg leave to report,

That a Warrant issue on the Paymaster General in favour of Lt. Colonel Barber of the 1st Jersey Regiment for two hundred and forty Dollars in bills of the new emissions, equal to three months pay and subsistence, the resolution of the 4th January last notwithstanding.³

Ordered, That the Board of War take order for the payment of three months' pay to Major A. Giles, and also for

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 23.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 37.

³ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 49.

the payment of three months' pay and subsistence to Lieutenant Colonel Barber, and also to Lieutenant Colonel Jameson, the resolution of 4 January last notwithstanding;

That the Board of War draw a warrant on the paymaster general for three hundred and thirty-nine dollars of the new emission, in favour of Lieutenant Colonel Jameson, to reimburse him his expences from the tenth day of November last till the first day of March last.

A report of the Board of War, respecting the resolution of the 16 instant, was read :

WAR OFFICE *April 24. 1781*

SIR

It is insisted upon by some of the Officers that the resolution of the 16th instant directing the Warrants issued by the Board on Officers accounts settled by Mr Howell to be recalled, only relates to those parts of the accounts which contain the pay which being thrown upon the States renders any continental settlement unnecessary. But as for other accounts the resolution of the 27 of March still remains in force and they therefore demand their Warrants for back rations &c. There seems on examination to be a want of precision in the resolution and therefore we beg to know the sense of Congress on the subject and that they will be pleased to direct us whether we shall or shall not grant warrants on the Paymaster General for the amount of the Officers demands exclusive of pay.¹

Ordered, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [John] Sullivan, Mr. [Artemas] Ward.

A report of the Board of War on the petition of Elijah Weed, was read :

AT A BOARD OF WAR *April 26, 1781*

Present Mr Peters

Col Grayson

The Board have been honored with a reference from Congress of the Memorial of Elijah Weed Keeper of the State Prison, on which they beg leave to report,

That the pay of the Keeper of the State Prison in Philadelphia be fixed at one hundred dollars per month in bills of the new emission.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 5.

That the pay of an Assistant be fifty dollars p month in bills of the new emission and the pay of a Turnkey be forty dollars p month in the same bills.¹

Ordered, That it be re-committed.

A report of the Board of War on the memorial of the officers of Colonel Baldwin's regiment of artificers, was read; Whereupon,

AT A BOARD OF WAR *April 28, 1781*

Present Mr Peters

Col^o Grayson

The Board have been honored with a reference from Congress on the memorial of the Officers of Colonel Baldwin's reg^t of artificers

Beg leave to report,

Resolved, That it be recommended to the states to which they respectively belong to make up the depreciation of their pay according to the real value of their wages at the time of their establishment to the Officers and men now or late of the regiment of artificers commanded by Colonel Baldwin.

That the Officers of that regiment be informed in answer to their memorial of the 20th instant, that the circumstances of the public will admit of no farther measures, than that specified in the foregoing resolution, with respect to that regiment.²

A report from the Board of Treasury, on the accounts of Alexander McCasky, and another on the accounts of William Paulding, were read:

Question to agree thereto passed in the negative.

A report of the Board of Treasury, on the account of Doctor F. Allison, was read:

Ordered, That it be re-committed.

A letter, of 29 January, from O. Pollock, was read:

On motion of Mr. [George] Walton,

Ordered, That the Board of Treasury take order for the payment of the balances reported to be due to the auditor general and to the inspectors of the press.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 53.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 45.

WAR OFFICE, April 27, 1781

SIR,

By resolve of Congress of the 29th ult^o certain monies to be produced by the sale of a number of cannon contracted to be sold by the Admiralty Board to Blair McClenachan and others were ordered to be applied to enable the Board of War to comply with their contracts for shot and shells. We had the honor to request the Board of Admiralty for information how the money was to be obtained, and received for answer that Thomas Irwin John Bayard and Matthew Irvin had given their note for the money payable to Francis Lewis Esq^r for the use of the Board of Admiralty. As the resolution does not go so far as to point out the means of obtaining the monies from the Admiralty we beg leave to report.

That the Admiralty Board be directed to pay the monies produced by the sale of the cannon mentioned in the resolve of the 29th ult^o to the Commissary General of Military Stores, for which he is to be accountable, and that the Board of War direct the appropriation of the said monies to the Iron Masters who have cast shot and shells in proportions to their respective contracts. Probably as good a method of obtaining the monies would be by directing

That the Notes given for payment of the purchase monies of a number of cannon sold by the Admiralty Board as mentioned in the resolution of the 29th March on that subject be assigned to the Commissary General of Military Stores—the monies when received to be applied under the directions of the Board of War towards the discharge of contracts for shot and shells.

We submit both the foregoing resolutions to Congress, taking the liberty of requesting a determination upon one of them, as the Parties are ready to pay the money to those properly authorized to receive it, and the Iron Masters are very importunate.¹

Adjourned to 10 o'Clock on Monday.

MONDAY, APRIL 30, 1781

A letter, of 25 April, from General Washington, was read:²

Ordered, That it be referred to the delegates of Pennsylvania and a copy thereof transmitted to the Board of War.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 33. It was passed this day, according to the indorsement.

² A copy of this letter is in the *Papers of the Continental Congress*, No. 169, Vol. 8, page 101; the draft is in the *Washington Papers*, A. VI, pt. I, 73.

A letter, of 24 December, 1780, from Will. Carmichael, was read:

Ordered, That [it] be referred to the committee on the letter, of 30 November, from the hon^{ble} J. Jay.

A memorial of sundry officers late of the hospital staff was read:¹

Ordered, That it be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [William Churchill] Houston, Mr. [Isaac] Motte.

A letter, of December 10, 1780, from J. Bonfield, was read:

Ordered, That it be referred to the Board of Admiralty.

A memorial of Udney Hay was read:²

Ordered, That it be referred to a committee of three:

The members, Mr. [Artemas] Ward, Mr. [Theodorick] Bland, Mr. [James Mitchell] Varnum.

A report from the Board of War on the memorial of Elijah Weed, keeper of the state prison, was read; Whereupon,

WAR OFFICE, *April 30. 1781*

The Board have the honor to inform Congress that the original pay of the Keeper of the State Prison was two dollars, specie p^r day, that of the Assistants one dollar, and of the Turnkey two thirds of a dollar p^r day—if Congress think this should be now their guide, we have the honor to report.

Resolved, That the pay of the keeper of the state prison, and the officers employed under him, be fixed in specie, as follows:

The keeper, two dollars per day; an assistant, one dollar per day; a turnkey two-thirds of a dollar per day.³

The committee to whom was referred the letter, of 29 March, from P. Schuyler; and

¹ This memorial, dated April 22, 1781, is in the *Papers of the Continental Congress*, No. 41, VII, folio 292.

² This memorial, dated April 28, 1781, is in the *Washington Papers*, 96, folio 272. A copy is in the *Papers of the Continental Congress*, No. 41, IV, folio 265, another copy being on folio 281.

³ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 53.

The Committee to whom was referred a letter from the honorable Philip Schuyler Esq^r of the 29th of March last, submit the following Report.

Resolved, That the United States in Congress assembled approve of the measures adopted by the hon. Philip Schuyler Esq^r with the concurrence of the Legislature of the State of New York for relieving the Oneida and Tuscarora Indians from distresses to which they are exposed, by their attachment and fidelity to these United States. And that the expence thereof shall be considered as a charge against the United States. And the Board of Treasury is directed to deliver to General Schuyler or his order, Bills of exchange on our Minister in France payable in 3 months after sight for the amount of one thousand dollars generously advanced by him for the purchase of blankets for the said Indians.¹

The committee on the letter, of 19 March, from Brigadier General Moultrie, and the memorial from the officers, prisoners at Charlestown, delivered in their respective reports.²

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MAY 1, 1781

A sufficient number of States not attending:

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MAY 2, 1781

A letter, of 21 April, from Colonel T. Pickering, quartermaster general, was read, with sundry papers enclosed:

Ordered, That it be referred to the Board of War.

A letter, of this day, from J. Howell, was read;

Ordered, That it be referred to the Board of Treasury.

A letter, of 1, from W. Geddes, was read:³

Ordered, That it be referred to the Board of Treasury.

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, V, folio 475. It is in the list of postponed reports in No. 31, folio 371.

² A letter of this day from J. Pierce, paymaster general, was read, the indorsement indicates. It is in the *Papers of the Continental Congress*, No. 165, folio 609.

³ Pickering's letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 379; Howell's is in No. 78, XII, folio 147; Geddes' is in No. 78, X, folio 331.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. [James] Duane, a delegate for the State of New York, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for two hundred and sixty-six dollars of the new emission, to reimburse him for an advance made for the use of the State of New York by the direction of Congress, and for other purposes, for which the said State is to be accountable;¹

That on the application of Mr. G[eorge] Walton, one of the delegates for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner aforesaid, for three hundred dollars of the new emission, for which the State of Georgia is to be accountable;²

That on the application of Mr. [Richard] Howly, a delegate for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner aforesaid, for three hundred dollars of the new emission, for which the said State of Georgia is to be accountable.

The Board of Treasury, to whom were referred the accounts of Captain William Goold, report that the said accounts cannot be settled here; that being in the quartermaster's and commissary's department they can only be settled to the southward upon the general regulation; but that from peculiar circumstances a small advance should be made to Captain Goold to enable him to return;³ Whereupon,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Captain William Goold, for one hundred dollars of the new emissions advanced to him on account.

¹ This paragraph is in the *Papers of the Continental Congress*, No. 136, V, folio 263.

² This paragraph is in the *Papers of the Continental Congress*, No. 136, V, folio 285.

³ The paragraphs referring to Mr. Howly and Captain Goold are in the *Papers of the Continental Congress*, No. 136, V, folio 263.

A report of the Board of Treasury on the petition of Lieutenant Andrew Lee, of Colonel M. Hazen's regiment, was read; Whereupon,

TREASURY OFFICE *May 1st 1781*

The Board of Treasury upon the petition of Lieutenant Andrew Lee of Col. Hazen's regiment referred to them 27th ultimo, beg leave to report to the United States in Congress Assembled, That for the payment of the said L^t Lee's account (inclosed in the said petition) of expences incurred, from the time he was wounded at Springfield New Jersey in June 1780 to the 3rd of January 1781 to the amount of 3820 dollars old emissions, a warrant issue on Thomas Smith Esq. Commissioner of the Continental Loan Office for the State of Pennsylvania in favor of D^r Thomas Bond purveyor of the General Hospital for 3820 dollars of the old emissions to enable him to pay the account of the said Lieut^t Lee, for which sum the said D^r Tho^s Bond is to be accountable.¹

Ordered, That a warrant issue on Thomas Smith, commissioner aforesaid, in favour of Thomas Bond, purveyor of the general hospital, for fifty dollars and eighty-four nine-tieths of a dollar of the new emission, to enable him to discharge the account of Lieutenant Lee for expences incurred from the time he was wounded at Springfield, New Jersey, in June, 1780, to the 3 January, 1781, for which sum the said Thomas Bond, purveyor, is to be accountable.

A letter, of 1, from the Board of War, was read, informing that by the death of Colonel Flower the place of commissary general of military stores is vacant.²

A report from the Board of War was read; Whereupon,

Ordered, That the Board of War draw warrants on the paymaster general in favour of the officers lately arrived in the flag from Charlestown, for three months' pay and subsistence equal to eight hundred and eighty-seven dollars in bills of the new emissions, to enable them to join the southern army, the resolution of the 4th January last notwithstanding;³

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 289.

² This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 365.

³ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 57

That the Board also draw a warrant on the paymaster general for three hundred and seventy dollars in bills of the new emission, two months' pay of one cornet, four sergeants, one trumpeter and ten privates of Captain Bedkin's troop of dragoons.

The Board having ordered the detachment above mentioned on a particular command were under the necessity of desiring the Paymaster General to advance the above sum and we therefore hope Congress will be pleased to enable us to cover it by a warrant, as the men could not be enabled to march without their pay which they have not received for twelve months past.¹

The report of the committee, ||consisting of Mr. Mathews, Mr. Atlee, Mr. Walton,|| on the letter of the 19 April, from Brigadier General Moultrie, enclosing a memorial from the officers belonging to the States of South Carolina and Georgia, and to Pulaski's and Armand's legionary corps, now prisoners in Charlestown was taken into consideration; Whereupon,

Ordered, That the Board of War take immediate measures for remitting to Charlestown six hundred hogsheads of the tobacco now in the Commonwealth of Virginia, belonging to the United States, for the use of the above mentioned prisoners of war, and such of the militia of the States of South Carolina and Georgia, as were actually taken in arms, and remain prisoners of war:

That the Board of War appoint a proper person to dispose of the tobacco in Charlestown, with orders to render, as soon as may be, an account of the sales, to be lodged in the Board of Treasury.²

A letter, of this day, from the Board of Admiralty, was read:

Ordered, That it be referred to the Board of Admiralty to take order.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 81.

² This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, IV, folio 453.

A letter, of 30, from the president and supreme executive council of Pensylvania, was read:¹

Ordered, That it be referred to a committee of three, to confer with the said president and supreme executive council:

The members, Mr. [Daniel] Carroll, Mr. [James] Duane, Mr. [Nicholas] VanDyke.

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [Richard] Howly:

Ordered, That the same, together with the report of the committee on the letter, of 30 March, from Colonel T. Pickering, be referred to a committee of three:

The members, Mr. [William Churchill] Houston, Mr. [Theodorick] Bland, Mr. [Daniel] Carroll.

A motion was made by Mr. [Meriwether] Smith:

Ordered, That it be referred to the foregoing committee.

The report of the committee appointed to prepare a plan to invest the United States in Congress assembled with full and explicit powers for effectually carrying into execution in the several states all acts or resolutions passed agreeably to the Articles of Confederation was taken into consideration, and after debate:

[PHILADELPHIA, 12 March, 1781.]

The Committee appointed to prepare a plan to invest the United States in Congress assembled with full and explicit powers for effectually carrying into execution in the several States all Acts or Resolutions passed agreeably to the Articles of Confederation beg leave to submit the following Report.]

Whereas it is stipulated and declared in the 13th Article of the Confederation "that every State abide by the determinations of the United States in Congress assembled on all questions which by this Confederation are submitted to them. And that the Articles of this Confederation shall be inviolably observed by every State," by which article a general and implied power is vested in the United States in Congress assembled to enforce and carry into effect all the Articles of the said Confederation against any of the States which shall refuse or neglect to abide by such their determinations, or shall

¹ This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 377.

otherwise violate any of the said Articles, but no determinate and particular provision is made for that purpose: And whereas the want of such provision may be made a pretext ~~by delinquent states against whom coercive~~ [to call into question the legality of] measures which may be necessary for preserving the authority of the Confederation and for doing justice to the States which shall duly fulfil their federal engagements, ~~to dispute and oppose the execution of such measures.~~ And it is moreover most consonant to the spirit of a free Constitution that on the one hand all exercise of power should be explicitly and precisely warranted, and on the other that the penal consequences of a violation of duty should be clearly promulged and understood: And Whereas it is further declared by the said 13th Article of the Confederation that no addition shall be made to the Articles thereof, unless the same shall be agreed to in a Congress of the United States and be afterwards confirmed by the Legislatures of every State. The United States in Congress assembled having seriously and maturely deliberated on these considerations, and being desirous as far as possible to cement and invigorate the federal Union, that it may be both established on the most immutable basis, and be the more effectual for securing the immediate object of it, do hereby agree to recommend to the Legislatures of every State to confirm and to authorise their Delegates in Congress to subscribe, the following clause as an additional Article to the 13 Articles of Confederation and perpetual union.

It is understood and hereby declared that in case any one or more of the Confederated States shall refuse or neglect to abide by the determinations of the United States in Congress assembled and to observe all the Articles of the Confederation as required in the 13th Article, the said United States in Congress assembled are fully authorised to employ the force of the United States as well by sea as by land to compel such State or States to fulfil their federal engagements, and particularly to make distraint on any of the effects vessels and merchandizes of such State or States or of any of the Citizens thereof wherever found and to prohibit and prevent their trade and intercourse as well with any other of the United States and the Citizens thereof, as with any foreign State, and as well by land as by sea until full compensation or compliance be obtained with respect to all requisitions made by the United States in Congress assembled in pursuance of the Articles of Confederation.

And it is to be understood, and is hereby agreed and conceded that this article shall be fully and absolutely binding and conclusive when

all the States not actually in the possession ~~power and under the jurisdiction~~ of the Enemy, shall enact the same.¹

Ordered, That it be referred to a grand committee, consisting of a member from each State:

The members, Mr. [John] Sullivan, Mr. [Artemas] Ward, Mr. [James Mitchell] Varnum, Mr. [Samuel] Huntington, Mr. [James] Duane, Mr. [Abraham] Clark, Mr. T[homas] Smith, Mr. [Nicholas] Van Dyke, Mr. [Daniel] Carroll, Mr. [Theodorick] Bland, Mr. [Samuel] Johnston, Mr. [John] Mathews, Mr. [William] Few:

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To meet in the committee chamber on Saturday next, at 9 o'Clock, A. M.

A motion was made by Mr. M[eriwether] Smith, seconded by Mr. [William Churchill] Houston:

Ordered, That it be referred to the grand committee.

On motion of Mr. [James] Duane, seconded by Mr. [John] Mathews,

Resolved, That Lieutenant Colonel Fleury be permitted to remain on furlough until Congress shall otherwise direct.

One of the ordinances reported by the committee on the motion of Mr. [Oliver] Wolcott was read a second time, and on debate was rejected.

The committee to whom was referred the letter, of 22 April, from Major General the Marquis de la Fayette; and

The committee on the letters from Mr. Dumas;

The Committee to whom are referred several letters from Mr Dumas, submit the following report:

¹ This report, in the writing of James Madison, except the portions in brackets, which are in James Duane's hand, and the last paragraph which is in James Mitchell Varnum's hand, is in the *Papers of the Continental Congress*, No. 24, folios 19 and 25.

The following, in the writing of John Mathews, was postponed:

That the United States in Congress assembled ought to have and exercise ~~during the present war~~ in time of War the power of making and executing such Laws and Ordinances as shall by them be deem'd necessary efficiently to prosecute the war, which laws and Ordinances shall be equally binding on all the States in this Union. It is therefore recommended by your Committee that Congress immediately apply to the several States, to pass laws, vesting in Congress such powers as will be necessary for the above purposes.

It is in the *Papers of the Continental Congress*, No. 24, folio 27.

Resolved, That it be an instruction to the Hon. ~~John Adams~~ Doctor Franklin, Minister Plenipotentiary of these United States at the Court of Versailles, to enquire into the merit and services of Mr Dumas who has been employed thro' him to transact business for these United States at the Hague, and the prospect of his future usefulness; and to make an addition to his yearly allowance or salary if he shall think it proper.¹

The committee on the letter, of 6 November, 1780, from the hon^{ble} J. Jay; and

The committee on the letter, of 28 March, from the governor of the State of New York; delivered in their several reports.

The Committee to whom was re-committed their Report on the letter of 28 March last from the governour of the State of New York and other papers, submit the following report:

That a letter be addressed to Governour Clinton informing him that Congress are sensible of the distresses and embarrassments of the State of New York in the present situation of affairs; and regret that the public finances do not admit of affording adequate relief.

That Congress are fully satisfied necessity alone has induced the State of New York to adopt the measure of emitting paper money on their separate credit; that Congress have repeatedly expressed their sense against expedients of that kind; but considering the urgency of the case, and that the emission is so calculated as not to increase the quantity of bills of credit in circulation beyond the sum proposed by the resolutions of the 18th of March 1780, they are unwilling to disapprove the conduct of the State of New York in that transaction.

That as the Executive of the State of New York are convinced the bills emitted in pursuance of the Act of that State of 27 March last can be paid out with equal advantage to the public and satisfaction to individuals in the discharge of debts and making of purchases, with those emitted pursuant to the Resolutions of 18 March 1780, they shall be received upon orders drawn for the Continental four tenths of the last mentioned bills, in such manner as to correspond with the request mentioned in the letter above mentioned.

That their expectations of loans in Europe being in a great degree disappointed, Congress have it not in their power to advance the

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, II, folio 159. It is in the list of postponed reports in No. 31, folio 371.

bills of exchange requested by the State of New York, and therefore recommend that they rely on the means described in the act of their Legislature of October 1780 for paying the interest on the new bills of credit.

That Congress will give orders for transmitting bills to exchange at the end of the year the bills emitted pursuant to the resolutions of 18 March 1780, or point out such mode as may render an exchange unnecessary.

That as the period assigned for the circulation of the former continental bills of credit has expired with the last month, it is expected every State, in which any of the said bills may still circulate, and who have not redeemed their proportion of them will take effectual measures to draw the same out of circulation immediately.

~~That the want of money renders it impracticable to discharge the debts said to be due to the inhabitants of the State of New York, but that no means shall be~~

That it is expected the Legislature of the State of New York, will use every possible means to discharge the debts ~~said to be due to the~~ Inhabitants of that State, preferring in every case the more necessary; and that all possible assistance will be given by Congress from such funds as are or may be, in their power.¹

TREASURY OFFICE May 1st 1781

The Board of Treasury upon the letter of Mordecai Sheftall referred to them by Congress on the 27th ult beg leave to report.

That the public or flag vessels being under the direction of the Board of War, and M^r Sheftall having mentioned in his letter a money transaction between the Capt^s of the Flag and the American Commissary at Charlestown, of which only the Board of War have cognizance, they are of opinion it should be referred to that Board.²

Adjourned to 10 o'Clock on Friday.

FRIDAY, MAY 4, 1781

A letter, of 28 April, from Major General the Marquis de la Fayette;

A letter, of 31 March, from Major General Greene, was read.

¹ This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 20, I, 369. It is in the list of postponed reports in No. 31, folio 371.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 261.

A letter, of 18, and one, of 23 April, from the governor of Virginia, were read.

A letter, of this day, from J. Pierce, paymaster general, was read:

Ordered, That it be referred to the Board of War.

A memorial of Samuel and Robert Purviance and others was read, with sundry papers enclosed:

Ordered, That the same be referred to [the] Board of Admiralty.

A letter, of 2, from the Board of War, was read, respecting the accounts of Captain Adam Bitting, late of the 4 Pennsylvania regiment:¹

Ordered, That it be referred to the Board of War to take order, the resolution of 4 January last notwithstanding.

A letter, of 2, from the Board of War, was read:²

Ordered, That it be referred to the Board of Treasury, and that the Board take such measures as they conceive proper for adjusting the accounts of Joseph Carson and others, owners of the sloop *Carolina packet* employed by the Board of War as a flag, and take order for the discharge of such reasonable sums as shall be found due from the United States.

A letter, of 2, from Cha Pettit, assistant quartermaster general, was read, with sundry papers enclosed:³

Ordered, That the report of the committee on the letter, of 13 April, from J. M. Scott, be re-committed, and that the letter from Cha Pettit, with the papers enclosed, be referred to the said committee.

On motion of Mr. [Abraham] Clark:

Ordered, That a warrant issue on Joseph Borden, commissioner of the continental loan office in the State of New

¹ Lafayette's letter is in the *Papers of the Continental Congress*, No. 156, folio 131; Greene's is in No. 155, II, folio 35; the Virginia letter of April 18th is in No. 71, II, folio 101; that of April 23^d on folio 105; Pierce's letter is in No. 165, folio 615; the Board of War letter is in No. 147, V, folio 75.

² This letter is in the *Papers of the Continental Congress*, No. 147, V, folio 59.

³ This letter is in the *Papers of the Continental Congress*, No. 192, folio 339-341.

Jersey, in favour of Joseph Carleton, paymaster of the Board of War and Ordnance, for five hundred dollars of the new emission, to be applied to the payment of James Byers, in part of the pay due to him from the United States on a contract formerly entered into by the Board of War, for which sum the paymaster of the Board of War and Ordnance is to be accountable.¹

The committee appointed to collect and cause to be published two hundred copies of the Declaration of Independence, the articles of Confederation and perpetual union, &c., reported that they have performed that business and that there is due to Francis Bailey for printing and binding the said two hundred copies the sum of sixty pounds, equal to one hundred and sixty dollars specie:

Ordered, That it be referred to the Board of Treasury.

A motion was made by Mr. [John] Sullivan, seconded by Mr. [James Mitchell] Varnum:

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Witherspoon, Mr. [George] Clymer, Mr. [Nicholas] Van Dyke.

Ordered, That Mr. [John] Witherspoon be added to the committee on the memorial of sundry officers late of the hospital staff;

And to the committee on the letter, of 30 March, from Colonel T. Pickering; in the room of Mr. [William Churchill] Houston, who is absent.

The report of the committee, ||consisting of Mr. Duane, Mr. Ward, Mr. Bland,|| on the letter of March 16, 1780, ||from Dr. Franklin,|| and the memorial of Thomas Hutchins was taken into consideration; and Thereupon

That the said Captain Hutchins be appointed a Geographer to the army acting to the South, and that he repair to the H^q Q^r of the said Army with all convenient speed, and put himself under the orders of the Comm^d of the said Army for the time being.

¹ This motion, undated, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, IV, folio 381.

Resolved, That the pay and emoluments of the said Hutchings, be the same as those of the Geographer to the ~~Northern~~ Main Army.¹

Resolved, That Thomas Hutchins be appointed geographer to the southern army, with the same pay and emoluments as are allowed to the geographer to the main army.²

The report of the committee appointed to revise the rules for conducting business in the United States in Congress assembled, was taken into consideration; and, Thereupon,

The Committee appointed to devise the Rules for conducting business in the United States in Congress assembled, beg leave to submit the following draft, viz.

Rules for conducting business in the United States in Congress assembled.³

The following rules were agreed to:

1. As soon as ~~seven states are met~~ the President ~~may~~ *assume* assumes the chair, ~~upon which~~ the members shall take their seats.

2. The minutes of the preceding day shall then be read, and after that the public letters, petitions and memorials, if any have been received or presented.

3. Every letter, petition or memorial read, on which no order is moved, shall of course be considered as ordered to lie on the table, and may be taken up at any future time.

4. After the public dispatches, &c., the reports of committees which may have been delivered by them to the secretary during ~~that morning or~~ the preceding day shall, for the information of the house, be read in the order in which they were delivered, and, if it is judged proper, a day be assigned for considering them.

5. After the public letters, &c., are read, and orders given concerning them, the reports of the Board of Treasury and of the Board of War, if any, shall be taken into consideration;

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, II, folio 339.

² From this point the entries in the Journal are by George Bond.

³ These paragraphs are in the writing of James Duane.

but none of those subjects for the determination of which the assent of nine states is requisite shall be agitated or debated, except when nine states or more are assembled.

~~When a doubt is raised whether any motion or question is of the number of those for the determination of which in the affirmative the articles of confederation require the assent of nine states, the votes and assent of nine states shall always be necessary to solve that doubt, and to determine upon such motions or questions.¹~~

6. When a report, which has been read and lies for consideration, is called for it shall immediately be taken up. If two or more are called for, the titles of the several reports shall be read, and then the President shall put the question beginning with the first called for, but there shall be no debate, and the votes of a majority of the states present shall determine which is to be taken up.

7. An order of the day, when called for by a State shall always have the preference and shall not be postponed but by the votes of a majority of the United States in Congress assembled.

8. When a report is brought forward for consideration it shall first be read over and then debated by paragraphs and each paragraph shall be subject to amendments. If it relates only to one subject being in the nature of an ordinance it shall be subject to such additions as may be judged proper to render it compleat and then it shall be read over as it stands amended and a question taken upon the whole: But if it comprehends different subjects, independent one of another, in the form of distinct acts or resolutions a question shall be taken on each ~~and finally a question on the whole.~~

~~9. No motion shall be received unless it be made or seconded by a state.~~
Negatived.

9. When any ordinance is introduced by report or otherwise, it shall be read a first time for the information of the house without debate. The President shall then put the

¹ This paragraph is in the writing of James Duane.

following question "Shall this ordinance be read a second time." If it passes in the affirmative then a time shall be appointed for that purpose when it shall be read and debated by paragraphs and when gone through, the question shall be "Shall this ordinance be read a third time"; if agreed to, and a time appointed, it shall be accordingly read by paragraphs, and if necessary debated, and when gone through the question shall be "Shall this ordinance pass", if the vote is in the affirmative, a fair copy shall then be made out ~~by the Secretary, either on parchment or paper~~ and signed by the President and attested by the Secretary in Congress and recorded in the Secretary's office.¹

10. When a motion is made and seconded it shall be repeated by the President or ~~if he or any other member desire~~ being in writing it shall be delivered to the President ~~in writing~~ and read aloud at the table before it shall be debated.

11. Every motion shall be reduced to writing ~~and read at the table before it is debated~~ if the President or any member require it.

12. After a motion is repeated by the President or read at the table it shall then be in the possession of the house, but may at any time² before decision, be withdrawn, ~~with the consent of a majority of the states present.~~

13. No member shall speak more than twice in any one debate ~~on the same day, without leave of the house,~~ nor shall any member speak twice in a debate until every member, who chuses, shall have spoken once on the same.

~~13. Before an original motion shall be brought before the house, it shall be entered in a book to be kept for the purpose and to lie on the table for the inspection of the members, and the time shall be mentioned underneath when the motion is to be made, that the members may come prepared and nothing be brought on hastily or by surprise.³~~

¹ This paragraph is in the writing of John Mathews.

² Here Charles Thomson resumes the entries in the *Journal*.

³ This paragraph is in the writing of James Duane.

14. When a question is before the house and under debate, no motion shall be received unless for amending it, for the previous question, or to postpone the consideration of the main question or to commit it.

15. No new motion or proposition shall be admitted under colour of amendment as a substitute for the question or proposition under debate until it is postponed or disagreed to.

~~16. When a motion is made to amend by striking out certain words, whether for the purpose of inserting other words or not, the first question shall be "Shall the words moved to be struck out stand?"~~

16. The previous question (which is always to be understood in this sense that the main question be not now put) shall only be admitted when in the judgment of two states at least, the subject moved is in its nature or from the circumstances of time or place improper to be debated or decided, and shall therefore preclude all amendments and farther debates on the subject, until it is decided.

17. A motion for commitment shall also have preference and preclude all amendments and debates on the subject until it shall be decided.

18. On motions for the previous question ~~for committing~~ or for postponing no member shall speak more than once ~~without leave of the house.~~

19. When any subject shall be deemed so important as to require mature discussion ~~or deliberation~~ before it be submitted to the decision of the United States in Congress assembled, it shall be referred to the consideration of a grand committee consisting of one member present from each State, and in such case each State shall nominate its member. ~~But the United States in Congress assembled shall in no case whatever be resolved into a committee of the whole.~~ Every member may attend the debates of a grand committee and for that purpose the time and place of its meeting shall be fixed by the United States in Congress assembled.

20. The states shall ballot for small committees, but if upon counting the ballots, the number required shall not be elected by a majority of the United States in Congress assembled, the President shall name the members who have been balloted for, and the house shall by a vote or votes determine the committee.

21. If a question under debate contains several points any member may have it divided.

22. When a question is about to be put, it shall be in the power of any one of the states to postpone the determination thereof until the next day, and in such case, unless it shall be further postponed by order of the house the question shall, the next day immediately after reading the public dispatches, &c. and before the house go upon other business, be put without any debate, provided there be a sufficient number of states present to determine it; if that should not be the case, it shall be put without debate as soon as a sufficient number shall have assembled.

23. If any member chuse to have the yeas and nays taken upon any question, he shall move for the same previous to the President's putting the question and in such case every member present shall openly and without debate declare by *ay* or *no* his assent or dissent to the question.

~~24. When an ordinance act or resolution is introduced with a preamble, the ordinance, act or resolution shall be first debated, and after it is passed, the preamble if judged necessary shall be adapted thereto: But if the preamble states some matter or thing as fact to which the house do not agree by general consent, and the ordinance, act or resolution is grounded thereon, the preamble shall be withdrawn or the fact resolved on as it appears to the house previous to any debate on the ordinance act or resolution; and if the fact shall not be established to the satisfaction of a majority of the United States in Congress assembled, the ordinance, act or resolution shall fall of course.~~

24. Every member when he chuses to speak shall rise and address the President. When two members chance to rise at the same time, the President shall name the person who

is to speak first. Every member both in debate, and while the states are assembled shall conduct himself with the utmost decency and decorum. If any member shall transgress, the President shall call to order. In case the disorder be continued or repeated the President may name the person transgressing. Any member may call to order.

25. When a member is called to order, he shall immediately sit down. If he has been named as a transgressor, his conduct shall be enquired into and he shall be liable to a censure.

26. When a question of order is moved, the President if he is in doubt may call for the judgment of the house, otherwise he shall in the first instance give a decision, and an appeal shall lie to the house, but there shall be no debate on questions of order, except that a member called to order for irregular or unbecoming conduct or for improper expressions may be allowed to explain.

27. A motion to adjourn may be made at any time and shall always be in order, and the question thereon shall always be put without any debate.¹

~~30. No member shall leave Congress without permission of Congress or of his constituents.~~

~~31. No member shall read any printed paper in the house during the sitting thereof.~~

28. On every Monday after reading and taking order on the public dispatches a committee of three shall be appointed, who shall every morning during the week report to Congress the orders necessary to be made on such dispatches as may be received during the adjournment or sitting of Congress, upon which no orders shall have been made.

~~The members of such Committee not to be eligible a second time untill all the other members have served.~~

~~32. The habit of a member of Congress in future shall be a plain purple gown with open sleeves, plaited at the bend of the arm. And that no member be allowed to sit in Congress without such habit.~~

¹ From this point the report is in John Mathews's hand.

~~33. The members of each state shall sit together in Congress, for the more ready conference with each other on any question about to be taken that the house might not be disturbed by the members moving from one part to another to confer on the vote to be given. That for the better observance of order, New Hampshire shall sit on the left hand of the President and on every question be first called, and each state from thence to Georgia shall take their seats in the order that their states are situated to each other. The delegates of the respective states to sit in their order of seniority.¹~~

Postponed.

~~That for the better observance of order, New Hampshire shall sit on the left hand of the President and on every question be first called, and each state from thence to Georgia shall take their seats in the order that their states are situated to each other. The delegates of the respective states to sit in their order of seniority.¹~~

A report from the Board of Treasury was read: Whereupon,

Ordered, That on the application of Mr. [William] Sharpe, a delegate for the State of North Carolina, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for three hundred dollars new emission, for which the State of North Carolina is to be accountable.²

Adjourned to 10 o'Clock on Monday.

MONDAY, MAY 7, 1781

A letter, of 1, from General Washington, was read:³

Ordered, That it be referred to the Board of War.

A letter, of 17 April, from the president of New Hampshire, was read.⁴

A letter, of March 12, from R. Harrison, was read, with invoice and bills of lading for sundry cloathing arrived at Boston:

Ordered, That the same be referred to the Board of War.

A letter, of 26 April, from J. Deshon, one of the navy board, eastern department, was read, desiring leave to resign.⁵

¹ This report, in the writing of Charles Thomson except as otherwise indicated, is in the *Papers of the Continental Congress*, No. 23, folios 64-66.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 291.

³ This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 93.

⁴ This letter is in the *Papers of the Continental Congress*, No. 64, folio 188.

⁵ This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 383.

Ordered, That his resignation be accepted.

A letter, of 5, from the Board of Admiralty, was read:¹

Ordered, That a committee for the week be appointed:

The members, Mr. [John] Mathews, Mr. [Daniel] Carroll, Mr. [James Mitchell] Varnum.

A letter, of 5th, from the Board of War, was read, enclosing a letter, of 25 April, from Major General Baron Steuben.²

A report of the Board of War was read; Whereupon,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of the commissary general of purchases, for one thousand dollars in bills of the new emission, to enable him to purchase sundry articles for the table of the Commander in Chief, for which the said commissary general is to be accountable.³

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. [John] Mathews, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for five hundred dollars of the new emission; and on the application of Mr. Nicholas Eveleigh, another of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner aforesaid, for three hundred dollars of new emission, for both which sums the State of South Carolina is to be accountable.

The Board have considered the Applications of Joseph Howel and W^m Geddis for advances upon Salary, and having found that partial Payments to Individual Officers of the Civil List are injurious and unjust, and produce discontents, they therefore beg leave to report

Resolved, That the Board of Treasury be and they are hereby empowered and directed to take order for the payment of such of the respective balances due to the officers of the civil list as remain unpaid.

¹ This letter is in the *Papers of the Continental Congress*, No. 37, folio 411.

² This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 369.

³ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 87.

The Board represent to Congress, that by their Report dated the 4th of Sep^r 1780 respecting Specie Certificates a Blank for the time of Payment was left in the Copy to be filled up by Congress—the Report of the Board was accepted but the Blank not filled up, this becomes necessary before they can issue. The Board beg leave to suggest to Congress that at present it appears, few of the Certificates, if any will issue but for Balances of accounts liquidated in specie Value, and it may reasonably be expected that unless there be at least an Engagement to pay at a short date, say twelve Months from the date of the Certificate for Balances of accounts or other similar Claims very few if any will be accepted even in that way.

The Board also beg leave to lay before the United States in Congress assembled for their Consideration a Letter received
 Postponed. from Nathaniel Appleton Commissioner of the Continental Loan Office for the State of Massachusetts dated the 10 of April last and in Compliance with the Order of Congress of the ninth February last, the Board herewith transmit a general State of the Taxes as reported by the Aud^r General.¹

Ordered, That the specie certificates to be issued for the balance of accounts liquidated in specie value, pursuant to the resolution of 26 day of April last, be made payable in one year from the time of issuing the same.

On motion of Mr. [James] Duane, in behalf of the committee on the letter, of November 6, from the honorable J. Jay:

Ordered, That Thursday next be assigned for electing a consul to reside in Spain.

Adjourned to 10 o'Clock to Morrow.²

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 293.

² The following motion was made this day and withdrawn as the indorsement shows: Resolved that the Grand Committee ~~consisting of one member present from each state~~ be appointed to take into consideration the state of American affairs and to devise ways and means for prosecuting the war with vigor and success.

It is in the writing of John Sullivan, and is in the *Papers of the Continental Congress*, No. 36, I, folio 177.

The following motion, made by Theodorick Bland and in his writing, was also submitted. It is in the *Papers of the Continental Congress*, No. 36, I, folio 181: *Resolved*, that no more paper money shall issue under the authority of Congress from the Treasury or the respective Loan Offices from and after the day of .

TUESDAY, MAY 8, 1781

The committee of the week reported that they have examined the public dispatches and considered the orders necessary to be made thereon; Whereupon,

The Committee on the Public Dispatches, Report.

Nº 1. Memorial from Mess^r. Montluisant requesting to be employed in the American Army.

Ordered, That he be informed Congress cannot comply with his request.

Nº 2. A letter from C. Griffin, requesting the sum of 1200 dollars on acc^t of his salary.

Ordered, That it be referred to the Board of Treasury to take order.

Nº 3. A Letter from W^m Story Clerk to Navy Board at Boston requesting an augmentation of pay for past services, and an additional allowance for future.

Ordered, That it be referred to the Board of Admiralty. And that they report their opinion on the necessity of a further continuance of that board, and also the navy Board at Philadelphia.

Nº 4. A Letter from John Boreman De^pt^y Paymaster at Fort Pitt, requesting money to pay the troops at that post.

Ordered, That it be referred to the Paymaster.

Nº 5. A Letter from Ann Roberts Executrix of Robert Jewel, late Keeper of the United States Goal, Demanding payment of money due to the said Jewel with an acc^t inclosed.

Ordered, That it be referred to the Board of Treasury to take order.

Nº 6. A memorial from Rachael Farmer requesting the aid of Congress for keeping a house of entertainment in this City. That the members would assist her in her undertaking and promising to give satisfaction to all who will employ her.¹

Ordered, That it lay on the table.

Nº 7. A Letter from Joseph Eaker, Surgⁿ Mate in Gen^l Hospital Demanding payment of his acc^t inclosed.

Ordered, That it be referred to the Medical Com^{tee}.

Nº 8. A Petition from P^r Peres late Surgⁿ of the German Battalion requesting 18 months pay due him.

Ordered, That it be referred to the ~~Medical-Committee~~ Board of War.

¹ Rachael Farmer's memorial is in the *Papers of the Continental Congress*, No. 41 III, folio 244.

Nº 9. A Letter from the Rev^d M^r Rogers, Chapl^t to the Pennsylvania Line, requesting the dispute between him and M^r M^rMurdie to be immediately settled, also an advance of pay.

Ordered, That the report of the Board of War on this subject be considered.

Nº 10. A Letter from Col^t Dericks requesting the depreciation of his pay to be immediately settled and paid him, that he might be enabled to return to Holland. Also that he might be allowed to draw his half pay during his absence from America.

Ordered, That it be referred to a special Com^{tee}.

Nº 11. Petition from Tho^s Bar, late Cap^t Lieut. of Artillery requesting an advance of pay.

Ordered, That it be referred to the Board of War ~~to take order, the resolution of~~ —notwithstanding.

Nº 12. A Letter from Gam^l Painter Cap^t of Artificiers in Col^t Baldwins Reg^t requesting an explanation of the resolve of the 28th Ult^o Whether by it was intended they should be entitled to the same emoluments as officers in the line of the Army.

Ordered, That it be referred to a special Com^{tee}.

Nº 13. A Letter from De Rochefermoy, requesting to be employed in the American Army.

Ordered, That he be informed his request cannot be complied with.

Nº 14. A Letter from Pontcarner, Caron, Catulippe, and Marair four Volunteers on board the *Ariel* requesting to be paid what is due them.

Ordered, That it be referred to the Board of Admiralty.

Nº 15. A Letter from Deluerize at Port au Prince, Informing that he has sent a vessel here to be loaded with provisions, requesting permission for that purpose.

No order necessary.¹

Ordered, That Messrs. Montluisant and de Rochefermoy be informed that their request to be employed in the service of the United States cannot be complied with;

That the letter from Mr. C. Griffin and Ann Roberts, executrix of R. Jewell, be referred to the Board of Treasury to take order;²

¹ This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 32, folio 155.

² De Montluisant's letter of May 2 is in the *Papers of the Continental Congress*, No. 78, XVI, folio 183, and his memorial on folio 187; de Rochefermoy's letter is in No. 78, XIX, 359; Ann Roberts' letter is in No. 78, XIX, folio 365.

That the memorial of William Storey, clerk to the navy board, eastern department, be referred to the Board of Admiralty to report their opinion on the necessity of a further continuance of the navy boards in the eastern and middle departments;

That the application of John Boreman be transmitted to the paymaster general;

That the letter and accounts of Joseph Eaker be referred to the Medical Committee;¹

That the petitions of P. Peres and Lieutenant Bar be referred to the Board of War;²

That the letter from Lieutenant Colonel Dericks and the letter from Gam^l Painter be referred to a committee of three:³

The members, Mr. [Artemas] Ward, Mr. [Samuel John] Atlee, Mr. [Theodorick] Bland.

On motion of Mr. [John] Sullivan, seconded by Mr. [William] Sharpe:

Ordered, That a committee of five be appointed to devise further ways and means to defray the expences of the ensuing campaign and what farther measures may be adopted for the better regulation of the public finances:

The members, Mr. [John] Witherspoon, Mr. [John] Sullivan, Mr. M[eriwether] Smith, Mr. [George] Clymer, Mr. [Thomas] Rodney.⁴

A report from the Board of War, on the memorial of the Rev. Mr. Rogers, was taken into consideration; and, Thereupon,

Resolved, That the Commander in Chief be, and he is hereby, authorised and directed to arrange the brigade chaplains of the several State lines serving with the army, and the

¹ This letter, dated April 24, 1781, is in the *Papers of the Continental Congress*, No. 19, II, folio 193.

² Peres's petition, dated April 19, 1781, is in the *Papers of the Continental Congress*, No. 147, V, folio 129; Barr's petition is on folio 117.

³ Diriks's letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 391.

⁴ These paragraphs, beginning with the motion of Mr. Sul'ivan, are also entered in the manuscript Secret (Domestic) Journal.

commanding general of the southern army those of the line serving with that army; so as to retain in service no more chaplains of each line than are equal to the number of brigades:

That every chaplain deemed and certified to the Board of War to be supernumerary, be no longer continued in service, and be entitled ~~to all the benefits enjoyed by officers quitting the service by virtue of the regulations of Congress on that subject~~ to have their depreciation made good, and to the half-pay of captains for life.¹

A letter, of May 1st, from E. Blaine, commissary general, enclosing an estimate of money due to his assistants and deputies, was read:²

Ordered, That it be referred to a committee of three:

The members, Mr. T[homas] Smith, Mr. [Abraham] Clark, Mr. [Isaac] Motte.

A letter, of this day, from the Board of War, was read, respecting some Indians of the Catawba tribe, now in Philadelphia:

Ordered, That it be referred to the Board of War to take order.

The report of the Board of War on the letter, of 1st, from the Commander in Chief, was read; Whereupon,

AT A BOARD OF WAR, *May 8th 1781.*

Present, Mr Peters

Col^o Grayson

The Board having taken into consideration that part of General Washington's letter of the 1st Instant Referred to them by Congress, which relates to the extra Expence to which the Commandant at West Point is subjected; beg leave to Report,

Resolved, That the commanding general at West point for the time being receive the extra allowance granted by

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 95.

² This letter is in the *Papers of the Continental Congress*, No. 165, folio 401.

Congress to an officer commanding a sepearte department until the farther order of Congress.¹

Another report from the Board of War was read; Whereupon,

WAR OFFICE May 4. 1781

SIR,

The Board have the honour to lay before Congress estimates for the pay of the western troops, and also for a sum necessary to enable Cap^t Craig to take a number of artificers from Carlisle. We enclose letters from the Paymaster General and the Deputy Paymaster General for that department; which sufficiently shew the urgency of the business. We therefore request Congress will be pleased to direct measures for procuring the money without which the western troops will not only be extremely uneasy but those both of infantry and artillery going with General Clarke, will in our opinion absolutely refuse to march.²

Ordered, That the Board of War take order by draughts on the paymaster general to the amount of nineteen thousand and twenty-four dollars new emissions for the pay of the western troops and to enable Captain Craig to take a number of artificers from Carlisle.

A report from the Board of Admiralty was read; Whereupon,

ADMIRALTY OFFICE, May 8th, 1781.

The Board beg leave to Report, that the case of the Brigantine *Governor Johnston* referred to in the memorial of Samuel and Robert Purviance, David Stewart and Daniel Bowley of Baltimore, was entirely a commercial transaction, and originated with the Commercial Committee, therefore submit the following order to the Honorable the United States in Congress assembled:

Ordered, That the memorial of S. and R. Purviance, David Stewart and D. Bowley, which was referred to the Board of Admiralty, be referred to the Committee of Commerce.³

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 103.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 107.

³ This report is in the *Papers of the Continental Congress*, No. 37, folio 459.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *May 7. 1781*

Present M^r Peters

Col. Grayson

It appearing by the papers produced by Louis Daniel Martin Esq^r late a Cap^t in the 5th Reg^t of South Carolina Continentals that he was dismissed the service as a supernumerary officer and entitled to one year's pay under the resolution of Congress made on that subject, and as the pay in the old money is now of so little value, it is presumed that Congress will be pleased to order,

Ordered, That the Board of War draw a warrant on the paymaster general for four hundred and eighty dollars in bills of the new emission for one year's pay, in favour of Louis Daniel Martin, late a captain in the 5 South Carolina regiment, who retired as a supernumerary, the 1st April, 1780.¹

On motion of Mr. [Theodorick] Bland, seconded by [Mr. John] Witherspoon:

Resolved, That the State of Connecticut be requested to use every possible exertion to remount Colonel Sheldon's regiment and to equip them with such accoutrements as they can furnish them with to enable them to take the field.

~~Resolved that the Board of War take order in furnishing Col. Sheldon's Reg^t with such cloathing as may be due to the said Reg^t in order to equip them for the ensuing Campaign with all possible expedition.~~²

A letter, of 20 April, from Mons. Destouches, commander of the squadron of his Most Christian Majesty at Rhode Island, was read.³

The President informed the house that he was under a necessity to return home and therefore desired leave of absence; Whereupon,

Ordered, That Thursday next be assigned for electing a President.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 97.

² This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, I, folio 183.

³ This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 379.

The Committee of Commerce delivered in a report.
Adjourned to 10 o'Clock to Morrow.¹

WEDNESDAY, MAY 9, 1781

The committee of the week reported on a memorial of John Henderson, on behalf of O. Pollock; Whereupon,²

The Committee on the public dispatches, Report.

Nº 1. A memorial from John Henderson in behalf of Oliver Pollock Agent for the United States at New Orleans, requesting the sum of \$2000 in specie, or an equivalent in the currency of these States, to be paid him out of monies due to the said Oliver Pollock.

Ordered, That the consideration of the said memorial be postponed.³

The committee on the letter, of 20th December, from General Washington, delivered in a report.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MAY 10, 1781

A memorial of the honorable the minister of France was read:⁴

Ordered, That it be referred to the Board of Admiralty.

The committee on the letter, of May 8, from Gam¹ Painter;
The committee on the memorial of Udney Hay; and

The committee to whom was referred the consideration of the memorial of Udney Hay report that the said memorial be referred to the Commander in Chief with instructions to appoint a board of

¹ An undated motion, in the writing of John Mathews, appears to belong to this date. It is in the *Papers of the Continental Congress*, No. 36, IV, folio 505, and is as follows:

Resolved, That the public dispatches (except such as the President shall determine will demand the immediate attention of Congress), the reports of the Board of War and Tressury, and all other reports be postponed until Congress shall have finally determined on the report of the Committee on Ways and Means.

² This memorial is in the *Papers of the Continental Congress*, No. 41, IV, folio 181.

³ This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 32, folio 153.

⁴ A translation of this memorial, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 37, folio 463. Another translation is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 406.

general officers to consider and determine upon the said memorial and make report to Congress.¹

The committee of the week on a letter, of 25 April, from M. Arbuthnot, on board the *Royal Oak*, off New York, delivered in their several reports; Whereupon,

The Committee on the public Depatches Report

A letter from Adm^l Arbuthnot complaining of the ill treatment of the British prisoners in the new Goal in Philadelphia.

Ordered, That it be referred to the Board of Admiralty to take order.²

Ordered, That the letter from Gam^l Painter be referred to the Board of War;

That the memorial of Udney Hay be referred to the Commander in Chief, with instructions to appoint a board of officers to consider and determine upon the said memorial and make report to Congress;

That the letter from M. Arbuthnot be referred to the Board of Admiralty.

The Committee of Commerce delivered in a report; Whereupon,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for two hundred dollars new emission, in favour of the Committee of Commerce, to enable them to make a payment to George Redhead, who is employed by them to adjust the accounts of the former commercial committees, for which sum the committee is to be accountable.³

Resolved, That the order of the day for electing a President be postponed.

A letter, of 8, from the governor of South Carolina, was read:⁴

¹ This report, undated, in the writing of Artemas Ward, is in the *Papers of the Continental Congress*, No. 19, III, folio 131.

² This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 32, folio 425.

³ This report is in the *Papers of the Continental Congress*, No. 31, folio 211.

⁴ This letter is in the *Papers of the Continental Congress*, No. 72, folio 534.

Ordered, That it be referred to a committee of three:

The members, Mr. [Thomas] Bee, Mr. [Daniel] Carroll, Mr. [Richard] Howly.

The Medical Committee, to whom was referred the memorial of Doctor William Barnet, delivered in a report; Whereupon,

The Medical Committee to whom was referred the memorial of Doctor William Barnet, beg leave to report,

That by a certificate from Dr Thomas Bond Jun^r, purveyor of the hospital, herewith delivered, it appears that Dr William Barnet in the Month of April 1776 furnished the first Jersey regiment, and the general hospital with sundry medicines amounting at that time to £148, 17. 0 and also in the month of June 1780 with medicines to the amount of £3, 15. 0. making in the whole £152:12.

That Dr Barnet is willing to accept a Loan office certificate for the balance due to him, provided he is allowed interest for the same from the time he supplied the medicines; which interest at 6 pr. ct: on the amount of the supplies furnished in April 1776, being five years, amounts to £44. 12. 11 this added to the principal will make the sum due at this time £197. 4. 11 equal to 525 $\frac{11}{16}$ dollars. Upon which the following resolution is submitted:

Ordered, That the Board of Treasury cause a loan office certificate to be issued to Doctor William Barnet, Jun^r, for five hundred and twenty-five dollars and eighty-nine-ninetieths specie value, in full of his account for medicines furnished the first Jersey regiment and general hospital at different times.¹

Motion was made by Mr. [James] Madison, seconded by Mr. [Daniel] Carroll, for drawing warrants in favour of the paymaster general on the loan officers of the States of Delaware, Maryland and Virginia, to enable him to pay the lines of the said States respectively part of the arrears due to them:

Ordered, That it be referred to a committee of three:

The members, Mr. [Theodorick] Bland, Mr. [Daniel] Carroll, Mr. [Nicholas] Van Dyke.

¹ This report is in the *Papers of the Continental Congress*, No. 19, I, folio 469.

A report from the Board of War was read; Whereupon,

WAR OFFICE *May 9, 1781*

SIR,

The Board find on conversing with Mr. Pierce the Paymaster General that any warrant drawn on him for the western troops will have no operation for want of money and therefore we submit to Congress the propriety of directing,

Ordered, That Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, pay on account of the warrants drawn upon him in favour of the paymaster general twenty-five thousand dollars in bills of the new emissions, in preference to all other warrants not specially directed;

Of this sum nineteen thousand and twenty-four dollars are appropriated for the western army and the rest is pressingly requisite to pay a number of prisoners and others whose cases are extremely distressing.

And whereas, part of the western army is composed of troops from the State of Virginia and provision was made for payment of these troops by warrants drawn on the Southern States, *Ordered*,

That all the money paid to the Virginia troops at Fort Pitt, out of the sums received from the commissioner of the loan office for the State of Pennsylvania, be replaced out of the sums he may receive from the commissioner of the loan office for the State of Virginia.¹

A letter, of 9, and a report from the Board of War on the memorial of Lieutenant Bar, were read.

WAR OFFICE, *May 9. 1781*

SIR,

The Board have been honored with a reference from Congress of the memorial of Capt: Barr. This Gentleman represents that he was left out of the arrangement by mistake, and that he never consented to retire, which he can verify if he had an opportunity of going to headquarters, which from his want of money he cannot accomplish. We think his case a very hard one, as are also the cases of all the gentlemen who have retired. But we cannot undertake

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folios 121, 122.

to recommend a warrant in his favor unless Congress will give us authority to draw warrants in favor of all the retiring officers in part of their pay. If Congress can distinguish between his situation and that of other retiring officers, or if they will please to direct warrants for three months pay to be drawn in favor of all the retiring officers, we shall be happy to comply with their directions.¹

The committee to whom was referred the motion of Mr. M[eriwether] Smith delivered in a report, which was read, and, a question being taken on the first paragraph, passed in the negative; whereupon the report was set aside.

The Committee to whom was referred the motion of Mr M. Smith Report,

Whereas the period assigned for bringing in and destroying the Bills of credit, emitted prior to the 18th of March 1781, has expired with the month of April last

Resolved, that from and after the first day of July next, the said Bills be not received in discharge of any tax, debt or contract, or be current in any of the United States.

But inasmuch, as some of the States have been prevented by the operations of the War from passing acts agreeably to the recommendations of Congress of the 18th of March, and therefore the quotas of the said States, remain unredeemed,

Resolved, that a further time of three months from the said first of July, be allowed to the inhabitants of the said States, to bring in and exchange their quota of the said Bills at such place as their Delegates in Congress may appoint for that purpose.

That the term of one year from the said first day of July be allowed to such persons either of the States last above mentioned, or others who may be in the power of the Enemy, or absent on or beyond seas, to exchange any of the said Bills which may be in their possession at any place appointed as aforesaid, so that the whole of the said Bills may be redeemed and cancelled.

The Committee beg leave for further time to consider of and report on the other several matters referred to them.²

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 113. It was ordered to lie on the table, as the indorsement shows.

² This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 26, folio 257.

The committee on the motion of Mr. [James] Madison respecting the Court of Appeals reported an ordinance, which was read a first time:

Ordered, That it be read a second time to Morrow.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MAY 11, 1781

The committee to whom was referred the letter, of 8, from the governor of South Carolina, delivered in a report; Whereupon,

The Committee to whom Governor Rutledge's letter of the 8 Instant, to the Delegates of So. Carolina

Report,

That having considered the same, they beg leave to recommend the following Resolution

Resolved, That Bills of exchange upon the Ministers of these United States in France which have been drawn in favor of Joseph Clay Pay Master to the Southern army, to the amount of Eighteen Thousand Dollars, be employed for the purpose of procuring cloathing and other necessaries for the Militia in actual service belonging to the States of South Carolina and Georgia, two thirds to be delivered to the Governor and charged to the State of South Carolina, and the other third to the Delegates of Georgia, and charged to that State, for which the said States respectively are to be accountable.¹

Ordered, That Joseph Clay, paymaster to the southern army, deliver to the order of his Excellency, John Rutledge, governor of the State of South Carolina, of the bills of exchange put into his hands, drawn upon the minister of these United States at the Court of France, to the amount of ~~twelve~~ sixty thousand livres tournois to be employed for the purpose of procuring cloathing and other necessaries for the militia in actual service belonging to that State; and that he deliver of the bills aforesaid to the order of the delegates in Congress from the State of Georgia to the amount of thirty thousand livres tournois, to be employed for the purpose of

¹ This report, in the writing of Thomas Bee, is in the *Papers of the Continental Congress*, No. 20, II, folio 403.

procuring cloathing and other necessary supplies for the militia in actual service belonging to the said State of Georgia, for which sums the said States respectively are to be accountable, at the rate of five livres tournois for a dollar specie.

On motion of the delegates for South Carolina,

Ordered, That the Board of Treasury accept two bills drawn by Brigadier General Moultrie for supplies to the garrison of Charlestown previous to the surrender, one in favour of William Egan for twenty-four thousand and thirty-two dollars, and the other in favour of David Oliphant for fifteen thousand five hundred dollars, amounting in the whole to thirty-nine thousand five hundred and thirty-two dollars continental currency to be paid agreeably to the resolution of the 23 March and 17 August, 1780, respecting bills drawn by Major General Lincoln.

According to order, the ordinance respecting the Court of Appeals was read a second time and debated by paragraphs:

Ordered, That it be read a third time on Monday next.

The report of the committee on the letter, of 6 November, from the hon^{ble} J. Jay, was again taken into consideration:

Ordered, That the paragraph relative to the 74 gun ship building at Portsmouth be referred to the Board of Admiralty.

The report of the committee on the letters and papers from Baron d'Arendt was taken into consideration:

Ordered, That it be referred to the committee on the letter, of 10 December, from General Washington:

Ordered, That the grand committee meet to Morrow at 10 o'Clock.

TREASURY OFFICE *May 8th, 1781*

The Board of Treasury have considered the letters from Col. Pettit Assistant Quartermaster General dated the 26th and 27th ultimo relative to supplies of money wanted for the Quarter Master's Department in the States of New Jersey and Pennsylvania and have it not in their power to comply with his demands; therefore submit them to the consideration of the United States in Congress assembled. The Board also enclose for the consideration of Congress a letter from

Samuel Patterson, loan officer for the State of Delaware dated the 28th ultimo.¹

Adjourned to 10 o'Clock on Monday.

MONDAY, MAY 14, 1781

Mr. [Daniel of St. Thomas] Jenifer, a delegate for Maryland, attended and took his seat.

Mr. [Samuel] Livermore, a delegate for New Hampshire, attended and produced the credentials of his appointment, which were read, as follows:

State of New Hampshire } In Council January 18th 1781

WHEREAS by a Vote of the Council and Assembly of this State of the 27th of June last the Hon^{ble} Maj^r General John Sullivan and George Atkinson Esq^r were chosen Delegates to represent this State in the Continental Congress for the Term of one year from and after the first day of November then next. Since which time the said George Atkinson Esq^r hath declined to accept of said trust. And it appearing Necessary that there should be Two Delegates from this State at Congress as much of the time as possible.

Therefore, Voted that Samuel Livermore and Benjamin Bellows Esq^{rs} be, and they hereby are chosen Delegates to represent this State in Congress for the Term of one year from the date hereof unless sooner recalled or relieved by order of this State with all the powers and privileges heretofore given to any Delegates of this State at Congress. One of them as they shall agree to repair to Congress at soon as may be. And whenever General Sullivan (now at Congress) shall signify his desire of returning home, or should be recalled by order of this State, That then the other of said Delegates Immediately go forward and supply his place. And the said John Sullivan, Samuel Livermore, and Benjamin Bellows, or either of them or any Two of them in the absence of the other, or others, are hereby fully Authorized and empower'd to appear as agent, or agents for this State before Congress or any Court or Commissioners appointed by Congress, to hear and determine any or all the disputes between New Hampshire,

¹According to the indorsement this report was read on this day. It is in the *Papers of the Continental Congress*, No. 136, V, folio 297.

New York, Massachusetts and the Inhabitants of a certain district known by the name of the New Hampshire Grants.

Sent down for Concurrence E Thompson Sec^{ry}

In the house of Representatives Jan^{ry} 19th 1781

The foregoing Vote was read and Concurred.

W^m WHIPPLE *Speak P T*

Copy Examined by E Thompson Sec^{ry} ¹

A letter, of 3, and one, of 8, from Major General the Marquis de la Fayette; and

A letter, of 9, from the governor of Virginia, were read:²

Ordered, That they be referred to the Board of War.

A letter, of 8th, from General Washington, was read, with sundry papers enclosed:³

Ordered, That they be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [James Mitchell] Varnum, Mr. [Joseph] Montgomery.

A letter, of 14, from R. Morris, was read signifying his acceptance of the office of superintendant of finance.⁴

The committee of the week reported that they have examined the dispatches that have come to hand, and considered the orders necessary to be taken; Whereupon,

No. 1. A memorial from Thomas Yates, Lt. in Col. Baldwin's regiment of artificers requesting an advance of pay on account.

Ordered, That a memorial of Thomas Yates be referred to the Board of War to take order, the resolution of 4 January last notwithstanding;⁵

No. 2. A letter from Cha^s Pettit, A. Q. M., requesting an advance of 32500 dollars in specie or the value thereof, on account of Maj. Gen. Greene, late Q. M. G.

¹ The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*.

² A copy of Lafayette's letter, of May 3, is in the *Washington Papers*, 96, folio 254; a copy of his letter, of May 8, on folio 253; and a copy of Jefferson's letter, of May 9, on folio 252.

³ This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 97; the indorsement shows that a new committee was appointed: Mr. [Theodorick] Bland, Mr. [Daniel] Carroll, Mr. [John] Witherspoon. The letter is printed in the *Writings of Washington* (Ford), IX, 240.

⁴ This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 9.

⁵ This memorial is in the *Papers of the Continental Congress*, No. 41, X, folio 716.

That a letter, of the 9th, from Charles Pettit, assistant quartermaster general, be referred to the committee to whom his letter of the 2d was referred;¹

No. 3. A Letter from Joshua Johnston dated Nantes 20th Feb^r 1781. and Copy of another letter dated Nantes Oct^r 10. 1780,

Representing, that American Seamen are daily taken into the French service, at the same time, that they strictly prohibit their engaging in the American service. Also, that private adventurers are engaging our men to serve on board their vessels and under the American colours are committing great abuses.

Ordered, That they be referred to a special Committee with instructions to confer with the Minister of France.

No. 5. [4] A Letter and Memorial from John Ross,

Praying, That the duck in the hands of the Agent at Boston might be assigned over to him, in part payment of his debt and that other measures might be adopted for the discharge of his whole debt.

Ordered, That M^r Ross be informed, the Duck mentioned in his letter has been already appropriated to the use of the Army and Navy of these States; That he be further informed Congress are endeavouring to devise ways and means for discharging all the debts of the United States, at which time M^r Ross's debt will be settled with others of the like nature.²

That a letter, of 20 February, from Joshua Johnson; and a letter and memorial from John Ross, be referred to a committee of three:³

The members, Mr. [James] Lovell, Mr. [William] Sharpe, Mr. [Thomas] Bee.

Ordered, That a committee of the week be appointed:

The members, Mr. [Samuel] Johnston, Mr. [John] Sullivan, Mr. [James] Madison.

The committee appointed to devise further ways and means to defray the expences of the ensuing campaign, &c.;

¹ Pettit's letter of May 9 is in the *Papers of the Continental Congress*, No. 192, folio 357.

² This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 32, folio 441. A note is added saying: This report approved except in Mr. Ross's case.

³ Johnson's letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 215. Ross's letter and memorial are in No. 41, VIII, folios 288 and 290.

1. That it be recommended to the States immediately to repeal any of their laws that may yet be in force making paper money of any kind a legal tender.

Passed.

2. That the treasurer of the United States be directed to draw orders on the Treasurers of the several States respectively payable ~~on the — day of~~ at one month's sight for the arrears due from each upon the first requisitions of Congress and that the States be acquainted that it is absolutely necessary for the public services that their treasurers do accept these orders as soon as presented and pay them punctually when they become due.

Passed.

3. That the whole debts already due by the United States be liquidated as soon as may be to their specie value and funded if agreeable to the creditors as a loan upon interest.

Passed.

4. That it be earnestly recommended to the several States to issue no more bills of credit upon their own separate account as directly tending to ruin the public funds and to call out of circulation as soon as may be what they have already issued in this manner.

Passed.

~~5. That the treasury be directed to issue no more bills to the States in pursuance of the act of Congress of March 18th 1780. That the States be required to call out of circulation every year the same proportions of what they have already issued as they were in that act directed to redeem of the whole, and that they be required to do this by taxes at the nominal or full value of the bills and by no means to exchange them at a discount or by a scale of depreciation.~~

Negatived.

6. That the States be called upon for their proportions of a tax to be paid in the new money or in gold and silver of three millions of dollars to be returned into the Continental Treasury on or before the first day of October next; and that whatever sum is paid in the new money one half thereof shall be cancelled and the other half applied to the public service.

7th. That the Board of War be directed to estimate the supplies necessary for the Northern and Southern Army in rations specifying of what a ration is to consist, and that proposals be taken in for supplying these at a stipulated price in hard money by a contract or contracts from the 1st of July next to the first of January 1782.

8. That a right be made out to the contractor or contractors to receive the specific supplies required by Congress at such price as shall be agreed on in part payment of the stipulations in the contracts.

9. That a Committee of Congress be authorised to converse with the Superintendant of Finance and in conjunction with him to take order for obtaining a sum of hard money for the most pressing exigencies of the public affairs and provide for the punctual performance of the stipulations in such contract on the part of Congress.

10. That on the day of Congress will take into consideration the line to which they will extend their guarantee to each particular State as its western boundary and declare the remainder the property of the United States as a fund of credit for their common interest and the general defence.¹

The committee on the motion of Mr. [James] Madison; and The Medical Committee, delivered in their several reports.

The committee ||consisting of Mr. Witherspoon, Mr. Bland and Mr. Carroll|| on the letter, of the 8th, from General Washington, delivered in a report; Whereupon,

Resolved, That it be earnestly recommended to the executive authority in the several states, from New Hampshire to Pennsylvania, inclusive, to forward on to such place ~~on Hudson's river~~, as the quartermaster general shall direct, at the expence of the respective states, in the first instance, all such supplies of provisions as they have been called upon to furnish by the resolution of Congress, of the 4 November last; and that all such necessary expence as any of the said states are at in transporting the provisions aforesaid to ~~Hudson's river~~ shall be preserved to them with interest placed to the credit of the states respectively; ~~as soon as the states supply the Continental Treasury with money in such manner as to enable Congress to do it.~~²

The report of the committee on further ways and means to defray the expences of the ensuing campaign, &c., was taken into consideration, and the 5th proposition being under debate, viz.:³

¹ This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 26, folio 283. See *post*, May 22.

² This report, in the writing of John Witherspoon, is in the *Papers of the Continental Congress*, No. 24, folio 215.

³ This paragraph and the debate following were also entered in the manuscript Secret (Domestic) Journal.

"That the treasury be directed to issue no more bills to the states in pursuance of the act of Congress, of March 18, 1780; that the states be required to call out of circulation every year the same proportions of what they have already issued as they were in that act directed to redeem of the whole and that they be required to do this by taxes at the nominal or full value of the bills and by no means to exchange them at a discount or by a scale of depreciation."

A division was called for and on the question to agree to the first clause as far as "1780" inclusive, the yeas and nays being required by Mr. [Artemas] Ward:

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} div.	Mr. Jenifer,	no	} no
Livermore,	no		Carroll,	no	
<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Lovell,	no	} no	Mr. Jones,	no	} no
Ward,	no		Madison,	no	
<i>Rhode Island,</i>			Bland,	no	
Mr. Varnum,	ay	} *	M. Smith,	ay	
<i>Connecticut,</i>				<i>North Carolina,</i>	
Mr. Huntington,	no	} *	Mr. Sharpe,	no	} no
<i>New Jersey,</i>				Johnston,	
Mr. Witherspoon,	ay	} div.	<i>South Carolina,</i>		
Clark,	no		Mr. Mathews,	ay	} ay
<i>Pennsylvania,</i>			Motte,	no	
Mr. Montgomery,	ay	} ay	Eveleigh,	ay	
Atlee,	ay		<i>Georgia,</i>		
Clymer,	ay		Mr. Few,	no	} no
		Howly,	no		

So it passed in the negative and the remaining clauses of the proposition fell of course.

The sixth proposition was then debated, viz.:

"That the states be called upon for their proportions of a tax to be paid in the new money or in gold and silver of three millions of dollars to be returned into the continental treasury on or before the first day of October next; and that whatever sum is paid in the new money one-half thereof shall be cancelled and the other half only applied to the public service."

A motion was made by Mr. [John] Mathews, seconded by Mr. [William] Sharpe, to strike out the words "in the new money or," and on the question shall those words stand, the yeas and nays being required by Mr. [Abraham] Clark:

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jenifer,	ay	} ay
Livermore,	ay		Carroll,	ay	
<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Lovell,	ay	} ay	Mr. Jones,	ay	} ay
Ward,	ay		Madison,	ay	
<i>Rhode Island,</i>			Bland,	no	
Mr. Varnum,	no	} *	M. Smith,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Huntington,	ay	} *	Mr. Sharpe,	no	} div.
<i>New Jersey,</i>			Johnston,	ay	
Mr. Witherspoon,	no	} div.	<i>South Carolina,</i>		
Clark,	ay		Mr. Mathews,	no	} no
<i>Pennsylvania,</i>			Motte,	ay	
Mr. Montgomery,	ay	} div.	Eveleigh,	no	
Atlee,	ay		<i>Georgia,</i>		
Clymer,	no		Mr. Few,	no	} *
T. Smith,	no				

So the question was lost and the words were struck out.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MAY 15, 1781

The committee of the week delivered in a report; Whereupon,

The Committee for the Week Report

1. A letter from four foreign officers requesting as they are foreigners and have no resources in this Country, that instead of three months their whole pay be advanced.

Referred to the Board of War.

2. A letter from Nathaniel Barber setting forth that there is a Mistake in the Act of Congress of the 5th of March respecting his pay and requesting to be informed in what manner the Depreciation of his pay is to be made good.

Ordered, To lie on the table till Congress determine whether Officers on the Staff be allowed Depreciation.

3. A Letter from John Moylan thanking Congress for appointing him to the Office of Clothier General and signifying his acceptance.¹

Ordered, That the letter of Captain de Segoigné and others be referred to the Board of War;²

That the letter from N. Barber lie on the table.

A letter, of 6, from John Moylan, signifying his acceptance of the office of clothier general;³ and

A letter, of 29 January, from W. Carmichael; were received.

Ordered, That a letter from Mr. Lotbiniere be referred to the Board of Treasury to take order.⁴

The committee on the letter of 8th, from General Washington, delivered in a farther report; Whereupon,

Ordered, That the Board of Admiralty deliver to the order of the Commander in Chief ten of the heavy cannon imported for the seventy-four gun ship at Portsmouth, for the use of the garrison at Rhode Island.

Ordered, That the remainder of the letter, together with the report of the committee on the letter, of 2 December, from the honorable Doctor Franklin, and the memorial of the honorable the Minister of France, be referred to the committee on the motion of Mr. [Theodorick] Bland, and that the committee to whom the report aforesaid was re-committed be discharged.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. I[saac] Motte, one of the delegates for the State of South Carolina, a warrant

¹ This report, in the writing of Samuel Johnston, is in the *Papers of the Continental Congress*, No. 32, folio 427.

² This letter, dated May 14, 1781, and signed by De Sigougné and three others, is in the *Papers of the Continental Congress*, No. 78, XXI, folio 65.

³ Barber's letter, dated May 2, 1781, is in the *Papers of the Continental Congress*, No. 78, IV, folio 171; Moylan's is in No. 78, XVI, folio 191.

⁴ Carmichael's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 242. Lotbinière's letter, addressed to Major General Sullivan, is in the *Papers of the Continental Congress*, No. 78, XIV, folio 423; a translation of part of it, in Sullivan's hand, is on folio 419.

issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for five hundred and twenty-five dollars of the new emissions, for which the State of South Carolina is to be accountable;¹

That a warrant issue on Thomas Smith, commissioner aforesaid, in favour of John L. Clarkson, clerk to the Board of Treasury, for three hundred dollars of the new emission, to defray the contingent expences of the treasury office, for which sum the said J. L. Clarkson is to be accountable.²

According to the order of the day, the house proceeded to the election of officers in the hospital department for the southern army, and the ballots being taken, Dr. David Oliphant was elected deputy director; Peter Fayssoux chief physician of the hospital; James Brown chief physician of the army; Robert Johnston and William Reed, hospital physicians; having been previously nominated by Mr. [John] Mathews.

A report of the Medical Committee was taken into consideration; Whereupon,

Resolved, That all such officers of the medical department, appointed under the directorship of Dr. Oliphant, as are now in captivity in South Carolina and Georgia, and have the charge of the sick prisoners in those states, be continued in their respective offices as heretofore, and be considered as vested with the same powers, and entitled to the same privileges and emoluments, as they had and enjoyed before their captivity, to extend no further than to the troops and hospitals now within the enemy's lines.³

The report of the committee ||consisting of Mr. Bland, Mr. Carroll, Mr. Van Dyke|| on the motion of Mr. [James] Madison was taken into consideration; Whereupon,

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 307.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 309.

³ This report is in the *Papers of the Continental Congress*, No. 22, folio 39.

Ordered, That warrants issue in favor of John Pierce, paymaster general, upon the loan offices of the States of Delaware, Maryland, and Virginia, in bills of the new emission, arising from the four-tenths of the ten millions issued in pursuance of the act of the 18 March, 1780, and that the same be applied to the paying the lines of the said states respectively, viz. on the commissioner of the continental loan office for the State of Delaware, for twenty-five thousand eight hundred and sixty-three dollars; on the commissioner of the continental loan office for the State of Maryland, for one hundred and twenty-four thousand one hundred and forty-three dollars; and on that for the State of Virginia, for two hundred and thirty-seven thousand two hundred and seventy-nine dollars; for which sums the said J. Pierce, paymaster general, is to be accountable.¹

The report of the committee appointed to devise farther ways and means, &c., was again taken into consideration, and after debate:

Ordered, That it be re-committed.

A motion was made by Mr. [Theodorick] Bland:

Ordered, That it be referred to the said committee.

Ordered, That a member be added to the Board of Admiralty:

The member, Mr. [Daniel of St. Thomas] Jenifer.

On motion of Mr. [John] Mathews, one of the delegates of South Carolina:

Ordered, That the Board of Treasury carry to the debit of the State of South Carolina the sum of £16097.13.3, Pennsylvania currency, equal to forty-two thousand nine hundred and thirty-seven dollars and 3/90, being so much due from Mr. J[ohn] Mathews, one of the delegates of the said State, to the United States in account with Jacob Hiltzeimer.

Adjourned to 10 o'Clock to Morrow.

¹ This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 179.

WEDNESDAY, MAY 16, 1781

A report from the Board of Admiralty ||to whom was referred the letter of the 28th of January, from the honourable J. Jay|| was read; Whereupon,

Resolved, That Mr. Jay be and he is hereby authorised to dispose of the hull of the 74 gun ship now on the stocks at Portsmouth in the State of New Hampshire, together with such timber and other materials as are prepared for building her, to his Catholic Majesty, on such terms as he may judge best for the honor and interest of the United States:¹

Ordered, That the remainder of the report be re-committed and that the Board confer with the superintendant of finance on the subject.

A report from the committee of the week was read; Whereupon,

The Committee for the Week Report

1. A Letter from General Thompson, setting forth his services complaining of having been neglected and proposing to retire.

Referred to the Board of War.

2. A Petition from Capt. Gilbert of Col. Hazen's Regiment with a Certificate of Major Torrey setting forth the arrears of pay and Subsistance due to Capt. Gilbert and requesting payment.

Referred to the Board of War.

3. A letter from Ezekiel Foreman complaining that no decision is had on the reports of the Committee respecting the charges against the Commissioners of the Board of Treasury and intimating his desire of being relieved from further attendance.

Ordered, That the reports on the charges against the Commissioners

Postponed.

of the Board of Treasury together with the charges and defence be filed in the secretary's office and that Mr. Foreman be informed that his resignation is accepted.²

Ordered, That a letter from Brigadier W. Thompson, signifying his resolution to retire, be referred to the Board of War;

¹ This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

² This report, in the writing of Samuel Johnston, is in the *Papers of the Continental Congress*, No. 32, folio 429. Forman's letter, dated May 16, 1781, is in No. 78, IX, folio 477.

That the petition of Captain Gilbert be referred to the Board of War.¹

A letter, of 16, from E. Forman, was read; Whereupon,

The report of the committee, ||consisting of Mr. Jones, Mr. Sullivan, Mr. Root,|| to whom was referred the complaint exhibited by the treasurer of loans against the commissioners of the Board of Treasury, together with the reports of the committee on that subject, was called for; and the same being read, was accepted and ordered to be entered on the Journals.

The report is as follows:

“That on the first of April, 1780, the Treasury Board, consisting of two members of Congress and one commissioner, ordered the following advertisement to be published, viz. ‘For the information of such persons as have business with the Board of Treasury of the United States, notice is given, that the hours appointed to receive applications, are from twelve at noon to two, and from four to five in the afternoon:’ and on the 24th June, 1780, the Treasury Board, consisting of two members of Congress and three commissioners, ordered that the treasurer of loans transmit to the Board of Treasury all applications from the several loan officers for loan office certificates, bills of exchange, or other things appertaining to their respective offices, or certified copies of such applications. Your committee find that the establishment of the aforesaid regulations, which appear to have been adopted for good purposes, and the endeavors of the commissioners to carry them into effect, gave rise to the imputation of undue pride and insolence of office contained in the first article. With respect to the second article of charge, for issuing absurd and incorrect orders, your committee find that the mistakes and errors referred to, were timely rectified without any injury to the public, appear to have been accidental, and mostly owing to some inaccuracies in the official returns made to the Board.

“Your committee further find, that the state of the treasury, and the many large drafts upon it, often make it necessary, in particular emergencies, that preference should be given to some warrants in order to save the public from suffering the most essential injury; and that

¹Thompson's letter, dated May 8, 1781, is in the *Papers of the Continental Congress*, No. 159, folio 340; Gilbert's petition is in No. 42, III, folio 236.

the Board of Treasury, for the purpose aforesaid, did exercise a controlling power over payments at the treasury¹ which appears to be the ground of the charge contained in the third article.

"Your committee further find, that the treasurer of loans, pursuant to the orders of the Board of Treasury, made return of all loan office certificates received and issued by him, with the times when, and persons to whom, and also of all those which remained on hand, which return is dated the 17th of March, 1780: that one of the commissioners afterwards made this entry at the foot of one of the columns of 200 dollars, viz. 'March 29th, S. Ca. 250;' which appears to have been done without any design or scarcely a possibility of injuring any person thereby, but merely for the purpose of having the whole in one view; which is all the evidence in support of the 4th article, which is for interlining and altering accounts filed in the records of their office.

"Upon the whole, your committee are of opinion, that none of the articles of charge aforesaid against the commissioners of the Board of Treasury are supported, and that they ought to be acquitted therefrom."²

A report from the Board of War was read; Whereupon,

Resolved, That the Board of War be authorised and directed to draw warrants for three months' pay in favor of the officers of Colonel Armand's legion now in Philadelphia:

We beg leave to remind Congress that many months ago previous to Colonel Armand's departure for France an estimate was presented to Congress of the sum necessary to recruit the Legion and purchase horses, a warrant for which was issued but no money can be obtained thereon, and therefore should Colonel Armand arrive with the cloathing and equipments there will be no men to use them. He will be of consequence disappointed and it will be too late to enlist. If Congress can fall on any means of giving money for raising the Corps we shall be extremely happy to deal it out and put forward the recruiting business which will render the Legion of service to the public. At present there are not men sufficient for two Troops, tho' the number of officers is complete.³

Ordered, That the remainder of the report be postponed.⁴

¹ At this point George Bond made the entries in the Journal.

² This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 26, folio 287.

³ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 133.

⁴ Here Thomson resumes the entrie .

The committee on the report of the Board of War respecting the southern prisoners delivered in a report.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MAY 17, 1781

A letter, of 11, from General Washington, was read.¹

A letter from Gustavus Cunningham, dated Mill prison, Plymouth, December, 1780, was read.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE May 16th 1781

The Board of Treasury beg leave to report.

That by the memorial of James F Conand an inhabitant of the Illinois, setting forth certain facts relative to the two emissions of continental dollars called out of circulation by the Act of Congress of the 2^d of January 1779 whereby the memorialist is likely to become a sufferer, unless relieved by Congress.

The facts set forth in the said petition with the proofs and documents therein referred to are satisfactory to the Board, who are of opinion, that from the peculiar circumstances, attending this business, the prayer of the petitioner should be granted. Whereupon the following resolution is submitted, with the memorial aforesaid for the approbation of Congress.

Ordered, That the Board of Treasury direct Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, to receive from James Francis Conand two thousand one hundred and thirty-three dollars of the emissions of May 20, 1777, and April 11, 1778, which sum appears to have been taken out of circulation and sealed up on and before the first day of September, 1779, and that the commissioner of the loan office aforesaid be further directed to issue to the said James F. Conand or order, loan office certificates of the value of specie to the amount of one hundred and eighteen dollars and 60/90 agreeably to the tables of 28 June, 1780, in lieu of the 2133 dollars brought in as aforesaid.²

¹ This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 115.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 311.

The reports of the Board of Treasury, of 26 April and of 2 May, together with the account of Doctor Francis Allison, as stated by the auditor general, were taken into consideration;¹ Whereupon,

TREASURY OFFICE *April 26th 1781*

The Board of Treasury agreeably to the reference of Congress on the 27th of February last of the account of Francis Alison late senior surgeon in the Hospital Department with the report of the Medical Committee thereon to report a draught for money due him for his pay and subsistence; and also for the amount of cloathing stated in the said Committee's Report to be due him at the reduced prices in the years 1779 and 1780, beg leave to inform the United States in Congress Assembled—That the report of the afd^e Committee does not shew the just balance due to the said Francis Alison, as appears by the auditor general's report herewith submitted, constituting a balance due to him of three thousand six hundred and five dollars sixty two ninetieths and $\frac{2}{3}$ of the value of specie to which the Board agree and propose the following Resolution for the payment of the same:

Resolved, That the Board of Treasury direct Thomas Smith Commissioner of the Continental loan office for the State of Pennsylvania to issue loan office certificates of specie value in favour of Francis Alison late senior surgeon in the hospital department, to the amount of three thousand dollars and that the Residue six hundred and five dollars $\frac{2}{3}$ and $\frac{2}{3}$ of the value of specie be issued to him at the rate of one dollar and $\frac{2}{3}$ of a dollar in the new bills; both of which sums amounting to three thousand six hundred and five dollars $\frac{2}{3}$ and $\frac{2}{3}$ is in discharge of the Balance of his account due him for pay, subsistence money advanced and articles of clothing, at the reduced prices in the years 1779 and 1780.²

TREASURY OFFICE *May 2nd 1781*

Upon the recommitment of the Report of the Board of Treasury upon the claim of Dr Alison, The following remarks are submitted:

That the Report of the medical Committee ascertains the quantity of clothing due to Dr Alison and recommends Payment to be made him in money and Congress by their Resolve of the 27th of Feb^r last directed this Board to "report a draught for the amount of the said clothing at the reduced prices for the year 1779 and 1780." The

¹ A representation from Francis Alison is in the *Papers of the Continental Congress*, No. 43, folio 1.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 335.

proper information respecting the value of this clothing the Board obtained from the late Clothier General and are of opinion the several Acts of Congress of the 26th of Nov. 1777, 20th 25th and 26th of November 1779 in conjunction with the Resolve of the 27 of Feb^r last do justify the Report made by the Board respecting this clothing. And the Act of the 16 of March last has been their guide respecting the value of money. The Board beg leave to observe to Congress that it does not appear on their journals, that clothing was ordered to be served to the troops of the line or officers of the Medical Department to make good depreciation, nor can the Board see any justice in depriving the present Claimants of advantages others have received taking it for granted that Congress mean to do equal justice. Those officers (and much the greatest number it is to be presumed) who have drawn their Clothing will be intitled to every advantage for pay and subsistence that has been reported to D^r Alison by the late Resolve of the 16 of March last. If it be the intention of Congress that those who have not drawn clothing agreeably to the foregoing resolutions, should not be allowed for them, they will in that case please to give directions accordingly.¹

Ordered, That the account stated as aforesaid be referred to the Board of Treasury to take order, except so much thereof as makes him an allowance for cloathing.

A report from the Board of War was read; Whereupon,

Ordered, That the Board of War draw a warrant on the paymaster general in favour of Captain ~~Isaac~~ Michael Gilbert of Colonel Hazen's regiment, for one hundred and fifty dollars in bills of the new emission, equal to three months' pay and subsistence, for which sum he is to be accountable.²

A report of the Board of Admiralty, to whom was referred a memorial from the honorable the minister of France, was taken into consideration; Whereupon, it was resolved as follows:

Whereas the honorable the minister of France hath represented to us that the precautions pointed out in the resolution

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 287.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 137

of Congress of the 11th of November, 1780, are insufficient to prevent the abuse which the British may make of papers or clearances they may take in American prizes, if confined to vessels of war, and not extended to merchant vessels, and in general all vessels despatched from the United States; therefore,

Resolved, That it be, and it is hereby, recommended to the legislatures of the several states, that they enact laws as soon as may be, ordering the naval officers in their respective ports, to require the master and chief mate of all vessels, unarmed, as well as armed, which shall be despatched from their respective ports, to undersign their clearances in the presence of the naval officer of the port; who is also to insert on the back of the clearance, a minute description of the persons of the master and his mate, with their age, stature, complexion, &c. respectively, and to certify the same under his signature and seal of office.

The board of Admiralty beg leave to call the attention of the Honble the United States in Congress assembled to an application the board had the honour of making to them some time since respecting their salary; and would be much obliged to your Honble Body for a speedy and favorable determination.¹

A report of the Board of War on letters and papers of Lieutenant Colonel Dericks, was taken into consideration; Whereupon,

Resolved, That Lieutenant Colonel Dericks be informed, that although Congress have received the most satisfactory proofs of his zeal and capacity to serve these United States, it is impracticable to employ him in the service of these states consistent with the arrangement of the army: that his account for pay and subsistence be settled by the Board of Treasury in specie value, up to this day; and that the Board of Treasury take order for the payment of the balance that shall be found due to him, together with a sum equal to one

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 465.

year's pay; and that from henceforward he be no longer entitled to pay and subsistence, pursuant to the resolution of 29 December, 1779.¹

The report of the Committee of Commerce, on the accounts of Stephen Ceronio, was taken into consideration; Whereupon,

Ordered, That the Board of Treasury pass fifty-five thousand six hundred and fifty livres of St. Domingo, to the credit of Stephen Ceronio, being the balance of his accounts as continental agent at the Cape, to bear an interest of six per cent. per annum from this day until paid.²

The committee appointed to devise farther ways and means to defray the expences of the ensuing campaign, to whom their former report was re-committed; and

The committee on the letters from E. Blaine delivered in their reports.

A letter, of 10th, from the governor of Maryland, was read:³

Ordered, That it be referred to a committee of three:

The members, Mr. [Joseph] Jones, Mr. [Daniel] Carroll, Mr. [John] Sullivan.⁴

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MAY 18, 1781

A letter, of this day, from Major General Gates, was read:⁵

Ordered, That it, together with so much of the letter, of 8, from General Washington as relates thereto, be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [James Mitchell] Varnum, Mr. [Samuel John] Atlee.

¹ Diriks's letter, dated May 17, 1781, is in the *Papers of the Continental Congress*, No. 78, VII, folio 391.

² This report is in the *Papers of the Continental Congress*, No. 31, folio 209.

³ This letter is in the *Papers of the Continental Congress*, No. 70, folio 465.

⁴ A letter of the 16th from the Board of War relative to the letter of P. Peres was read, as the indorsement indicates, and on August 23 ordered not to be acted upon. It is in the *Papers of the Continental Congress*, No. 147, V, folio 125.

⁵ This letter is in the *Papers of the Continental Congress*, No. 154, II, folio 355.

A motion was made by Mr. [James] Madison, seconded by Mr. [Joseph] Jones,

That the Board of War be, and are hereby, directed to transmit to Brigadier General Wayne, copies of the intelligence received yesterday, relating to the sailing of the British fleet from New York; and that General Wayne be, and he is hereby, authorised and directed, in case the supplies of provisions and forage necessary for the immediate march of the detachment under his command to the southern department cannot be otherwise obtained, to impress the same, and to report the amount thereof to the executives of the states within which the same shall be taken; such states to be credited therefor as part of the specific supplies due on the requisitions of Congress.

On which the yeas and nays being required by Mr. [Joseph] Jones,

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Sullivan	ay	} ay	Mr. Jones,	ay	} ay
Livermore,	ay		Madison,	ay	
<i>Massachusetts,</i>			Bland,	ay	
Mr. Lovell,	ay	} ay	M. Smith,	ay	
Ward,	ay		<i>North Carolina,</i>		
<i>Rhode Island,</i>			Mr. Sharpe,	ay	} ay
Mr. Varnum,	ay	} *	Johnston,	ay	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Huntington,	ay	} *	Mr. Mathews,	ay	} ay
<i>Pennsylvania,</i>			Bee,	ay	
Mr. Atlee,	no	} no	Eveleigh,	ay	
Clymer,	ay		<i>Georgia,</i>		
T. Smith,	no		Mr. Few,	ay	} ay
<i>Maryland,</i>			Howly,	ay	
Mr. Jenifer,	ay	} ay			
Carroll,	ay				

So it was resolved in the affirmative.

The committee of the week made report; Whereupon,

May 17, 1781.

The Committee for the Week Report.

A Petition from Alexander Dow a Foreigner formerly an officer in Col: Malcolm's Regiment praying that his accounts be adjusted, Depreciation allowed and that a Warrant be ordered for the Balance.

Referred to the Board of War.

May 18, 1781.

The Committee for the Week Report.

1. A letter from John Pierce Paymaster General enclosing the Commander in Chief's Letter to him signifying his wish that provision might be made for forwarding two or three month's pay to the Company of Col: Hazen's Regiment serving in the detachment under the Marquis De La Fayette's Command. Also a letter from Col: Tupper requesting Mr Pierce to exchange a sum of the Massachusetts New Emission intended to pay the troops of that State under the command of the Marquis for money of the State of Virginia.

There is likewise enclosed in Mr Pierce's Letter an estimate of three months pay and subsistence for the above Company of Hazen's Regiment.

Ordered, That the above Letter and papers be referred to the Board of Treasury.

2. A Letter from John Snyder late Commander of the Privateer *Fame*, now on board the *Jersey* Prison Ship, complaining of severe treatment and claiming the attention of Congress.

Referred to the Committee on General Moultrie's Letter.¹

Ordered, That a petition of Alexander Dow be referred to the Board of War;

That a letter, of 17, from J. Pierce, with sundry papers enclosed, be referred to the Board of Treasury;²

That a letter, of 2, from John Snyder, be referred to the committee on the motion of Mr. [Theodorick] Bland respecting the Convention troops.³

¹ These reports, in the writing of Samuel Johnston, are in the *Papers of the Continental Congress*, No. 32, folios 437 and 439.

² Dow's petition is in the *Papers of the Continental Congress*, No. 147, V. folio 153; Pierce's letter is in No. 165, folio 619.

³ This report, in the writing of Samuel Johnston, is in the *Papers of the Continental Congress*, No. 32, folios 437 and 439.

A report from the Board of War on the memorial, of April 2, from Captain Paschke, was read; Whereupon,

AT A BOARD OF WAR, *May 18. 1781*

The Board taking into consideration the memorial of Capt: Pascke, beg leave to observe, that in their opinion the resolve of the 16th May 1780, stated in the said memorial, was to all intents and purposes a discharge from the service, and it was the intention of the Board in their report which was adopted by Congress, that the monies and bill then received by Capt: Pascke should be in full compensation for all claims on the United States. True it is however that the resolve of the 10th of April preceding that of the 16th of May a few weeks in strictness entitled the memorialist to the depretiation to the time of his dismission; but as no plans were then formed for the actual settlement or payment, it was deemed most convenient for Capt: Pascke as he could not be employed, to receive the means of enabling him to return to Europe, than to wait the uncertain period of settlement for depretiation. Instead of returning to Europe, he went to the Southern army, and having performed some essential services with that army, three hundred dollars in bills of the new emission were given him in Feb^r 1781 as a compensation therefor. At the same time, viz: On the 2^d Feb^r 1781 Congress resolved "That Capt: Pascke late of the American Army be informed that the request contained in his letter of the 22^d ult^o to be allowed depretiation and half pay cannot be complied with." If Congress adhere to that resolution, they will no doubt direct, That the memorial of Capt: Pascke be dismissed.

If they choose to repeal their former Act it will be necessary to resolve

That Capt: Pascke be entitled to the depreciation of his pay to the time of his being left out of the service, the resolve of the 2^d of Feb^r last notwithstanding.¹

Ordered, That the memorial of Captain Paschke be dismissed.

Ordered, That the grand committee sit to Morrow in this place.

Adjourned to 10 o'Clock on Monday.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 141.

MONDAY, MAY 21, 1781

A letter, of 22, and one, of 27 April, from Major General Greene, were read, with sundry papers enclosed:¹

Ordered, That they be referred to a committee of three:

The members, Mr. [Joseph] Jones, Mr. [Daniel of St. Thomas] Jenifer, Mr. [John] Mathews.

A letter, of 11 March, from W. Carmichael,²

A letter, of 17th, from General Washington; and

One, of 17th, from R. Morris, enclosing a plan of a bank, were read:

Ordered, That Wednesday next be assigned for considering the enclosed plan.

A letter, of this day, from J. Pierce, paymaster general, was read, requesting permission to repair to head quarters:³

Ordered, That leave be granted.

The report of the committee of the week was read; Whereupon,

The Committee for the week Report.

1. A Letter from Jacob Hiltzimer requesting Money to purchase a supply of Hay.

Referred to the Treasury to take order.

2. A Letter from Major Bull requesting an advance of money on account of his pay.

Referred to the Board of War to take order.

3. A Letter from Major Franks requesting a Warrant on the paymaster.

Referred to the Board of War to take order.

4. A Petition from Andrew Brown late Deputy Muster Master requesting pay and Depreciation.

¹ The letter of the 22nd April is in the *Papers of the Continental Congress*, No. 155, II, folio 39; that of the 27th on folio 47.

² This letter is printed in the *Diplomatic Correspondence of the American Revolution*, (Wharton), IV, 279.

³ Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 107; it is printed in the *Writings of Washington* (Ford) IX, 250. Morris's letter is in the *Papers of the Continental Congress*, No. 137, I, folios 15-27; Pierce's is in No. 165, folio 633.

Ordered, to lie on the table till Congress determine with regard to making up Depreciation to officers not of the line of the army.¹

Ordered, That a letter of 19, from J. Hiltzheimer be referred to the Board of Treasury to take order;²

That the letter, of 20, from Major Epap^s Bull; and

The letter, of 20, from Major D. S. Franks; be referred to the Board of War to take order;³

That a petition from Andrew Brown lie on the table.

Ordered, That a committee of the week be appointed:

The members, Mr. [Samuel John] Atlee, Mr. [Samuel] Livermore, Mr. [Nicholas] Eveleigh.

The committee to whom was referred the letter from Major General Gates, delivered in a report, which was read.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE, *May 19th, 1781.*

The Board having considered the letter from John Pierce Paymaster general dated the 17th instant, referred to them by Congress the 18th beg leave to report,

That the new bills of Massachusetts and New Jersey will not answer the purpose of paying the troops to the southward under the command of the Marquis de la Fayette, whereupon the following order is submitted.

Ordered, That John Pierce, paymaster general, pay to the several detachments of troops now under the command of Major General the Marquis de la Fayette to the southward four months' pay, amounting to thirty-four thousand three hundred and three dollars of the new emissions out of the warrant drawn in his favour on the commissioner of the loan office for the State of Virginia, dated the 15 instant for 237,279 dollars like emissions; and that Colonel Benjamin Tupper of the Massachusetts line pay to the said paymaster general

¹ This report, in the writing of Samuel Johnston, is in the *Papers of the Continental Congress*, No. 32, folio 435.

² Hiltzheimer's letter is in the *Papers of the Continental Congress*, No. 136, V, folio 325.

³ Bull's letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 175; Franks's is in No. 78, IX, folio 481.

twenty-one thousand dollars of the new emission of the State of Massachusetts now in his hands received for the purpose of paying the troops aforesaid, for which sum the said J. Pierce shall pass his receipt to Colonel Tupper and transmit the money to head quarters for the purpose of paying the troops there;¹

TREASURY OFFICE, May 19th, 1781.

The Board beg leave to lay before Congress a Letter from Col. Pickering Qr. Master General, dated at New Bergh the 14th Instant setting forth the necessity of an immediate supply of money for that department.

That upon the application of Mr. N[icholas] Eveleigh, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for six hundred dollars of the new emission, for which the said State of South Carolina is to be accountable;²

That the letter, of 14, from Colonel Pickering, quartermaster general, be referred to the Board of Treasury to report.³

The report of the committee ||consisting of Mr. Sullivan, Mr. Varnum and Mr. Atlee|| on the letter, of 18, from Major General Gates, was taken into consideration; Whereupon,

The Committee to whom was referred General Gates' letter, beg leave to report, that the resolutions of the fifth of October last did not necessarily infer a suspension of command in the line of the Army at large; and as the situation of the Southern Department has prevented the Court of Inquiry from being held in pursuance of said resolutions, and as such Court cannot probably soon [be] convened, Congress may think fit to resolve, that General Gates take command, as General Washington shall direct, till such inquiry be made.⁴

Resolved, That the resolutions of the 5th of October last, "directing a court of enquiry to be held on the conduct of

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 317.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 315.

³ Pickering's letter is in the *Papers of the Continental Congress*, No. 136, V, folio 321.

⁴ This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, II, folio 399.

Major General Gates, as commander of the southern army; and directing the Commander in Chief to appoint an officer to command the southern army in the room of General Gates, until such enquiry be made"; did not operate as a suspension of General Gates from his command in the line of the army at large, as a major general; and, as from the situation of affairs in the southern department, such court of enquiry cannot be speedily held, that Major General Gates be informed, that he is at liberty to repair to head quarters, and take such command as the Commander in Chief shall direct.¹

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MAY 22, 1781

A letter, of 20, from A. Lee; and

A letter, of this day, from the supreme executive council of Pennsylvania, were read.

A letter from the Board of War was read:²

Ordered, That it be referred to a committee of three:

The members, Mr. [Theodorick] Bland, Mr. [John] Mathews, Mr. [Richard] Howly.

The committee of the week delivered in a report; Whereupon,

The Committee upon the dispatches,

Report

No. 1. A Letter from Joseph Scudder praying his Warrant upon Mr. Hillegas treasurer of the United States be cancelled and an order issue in his Favour upon Mr. Borden Loan Officer of the State of New Jersey.

Ordered, That it be referred to the Board of Treasury to take order.

No. 2. A Letter from Joseph Howell Auditor of the Main Army to

¹ A copy of this resolution, in Charles Thomson's writing, is in the *Papers of the Continental Congress*, No. 19, II, folio 401.

² Lee's letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 433; the Pennsylvania letter is in No. 69, II, folio 385; the Board of War letter, dated May 22, 1781, is in No. 148, I, folio 377. Another letter, of May 22, from the Board of War was read on this day, as the indorsement indicates; it is in No. 148, I, folio 373.

Mr. Atlee praying to be directed in the settling the accounts of Supernumerary officers and such as have been prisoners with the Enemy

Ordered, That Mr. Howell's Letter be referred to a special Committee.¹

Ordered, That a letter, of 21, from J. Scudder, be referred to the Board of Treasury to take order;

That a letter, of May 16, from J. Howell, auditor of the army, be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Isaac] Motte, Mr. [Daniel] Carroll.

A letter, of this day, from the supreme executive of Pennsylvania to the delegates of that State was read:²

Ordered, That it be referred to a committee of three:

The members, Mr. [Samuel] Livermore, Mr. [Joseph] Jones, Mr. [Samuel] Johnston.

The report of the committee, ||consisting of Mr. Wither-
spoon, Mr. Sullivan, Mr. M. Smith, Mr. Clymer,|| appointed
to devise farther ways and means to carry on the present
campaign, &c. was taken into consideration; and that clause
being under debate, where the states are to be informed,
"That it is expected they will severally direct their treasurers
to accept the bills that may be drawn upon them by the
treasurer of the United States as soon as presented, and take
effectual measures to enable their respective treasurers to
pay them punctually as they become due, *in real efficient
money*, that is to say, either in silver and gold, or in paper
money equivalent thereto, according to the common rate or
difference between such paper and silver in the course of
dealings in their respective states at the time of payment."

On the question to agree to the latter part of this clause,
from the word "due" to the end, the yeas and nays being
required by Mr. T[homas] Smith,

¹ This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 32, folio 443; Howell's letter is in No. 78, XII, folio 151; Scudder's is in No. 78, XXI, folio 77.

² This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 381.

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Sullivan,	no	} no	Mr. Jones,	no	} no
Livermore,	no		Madison,	no	
<i>Massachusetts,</i>			Bland,	no	
Mr. Lovell,	no	} no	M. Smith,	ay	
Ward,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Sharpe,	ay	} ay
Mr. Huntington,	no	*	Johnston,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Witherspoon,	no	*	Mr. Mathews,	ay	} no
<i>Pennsylvania,</i>			Motte,	no	
Mr. Atlee,	ay	} ay	Eveleigh,	no	
Clymer,	ay		<i>Georgia,</i>		
T. Smith,	ay		Mr. Walton,	ay	} ay
<i>Maryland,</i>			Few,	ay	
Mr. Jenifer,	no	} no	Howly,	ay	
Carroll.	no				

So it passed in the negative.

The report being farther debated, was agreed to as follows:

Resolved, That the whole debts already due by the United States, be liquidated as soon as may be to their specie value, and funded, if agreeable to the creditors, as a loan upon interest.

That the states be severally informed, that the calculations of the expences of the present campaign are made in solid coin, and consequently that the requisitions from them respectively, being grounded on those calculations, must be complied with in such manner as effectually to answer the purpose designed.

That experience having evinced the inefficacy ~~and futility~~ of all attempts to support the credit of paper money by ~~arbitrary~~ [compulsory] acts, ~~it is expected they will no longer deceive themselves and embarrass public measures by continuing their tender laws~~ [it is recommended to such states, where laws making paper bills a legal tender yet exist, to repeal the same:]

That the states be further informed, that the exigency and situation of public affairs is such, that any further delay in

complying with the requisitions of Congress must prove ruinous; and that therefore the treasurer of the United States is directed immediately to draw orders on the treasurers of the several states, payable at thirty days' sight, for their respective quotas of the three millions of dollars, called for on the 26 day of August, 1780, and which was to have been paid into the continental treasury on or before the last day of December last; and that he will in like manner continue to draw orders on them for their respective quotas of the sums called for by the acts of the 4th of November and 16th of March last, as they become due; and that it is expected the states will severally direct their treasurers to accept those orders as soon as presented, and take effectual measures to enable their respective treasurers to pay them punctually as they become due:

~~in real efficient money, that is to say, either in silver and gold or in paper equivalent thereto, according to the common Rate or Difference between such paper and silver in the course of dealings in their respective states at the [time of payment,] and that the orders shall be drawn in terms conformable thereto.~~

~~That the paper money expressed in those orders shall be the Bills emitted pursuant to the Act of the 18th of March, 1780, and no other; and that in case those Bills shall when received into the public Treasury be found to have depreciated, a certain proportion of them so paid in, not less than one ——— shall be cancelled and destroyed, and the States shall be called upon to make Good any Deficiency that may arise from this Act.~~

Resolved, That the committee who brought in this report be authorised to converse with the superintendant of finance, and in conjunction with him to take order for obtaining a sum of ~~hard money~~ gold and silver for the most pressing exigencies of public affairs, and provide for the punctual performance of the stipulations in such contract on the part of the United States.¹

That the Board of War be, and they are hereby directed to estimate the supplies necessary for the northern and

¹ This resolution was also entered in the manuscript Secret (Domestic) Journal.

southern army in rations, specifying of what a ration is to consist; and that proposals be taken in for supplying these at a stipulated price in gold and silver, by a contract or contracts, from the 1st of July next to the 1st day of January, 1782:

That a right shall be made out to the contractor or contractors, to receive the specific supplies required by Congress, at such price as shall be agreed on, in part payment of the stipulations in the contracts.

~~That on the day of Congress will take into Consideration the Lines to which they will extend their Guarantee to each particular State as its western Boundary, and declare the Remainder the property of the United States as a Fund of Credit for their common Interest and the General Defence.¹~~

Ordered, That the remaining members of the committee on the resolutions and acts of Connecticut, New York and Virginia respecting the cession of western lands to the United States report with all convenient dispatch.

A letter from the honorable the minister plenipotentiary of France, ~~enclosing a copy of a letter from his Most Christian Majesty,~~ was read.²

The committee on the letter from the Board of War;

The Committee appointed to confer with the Board of War.
Report.

That the Board of War be authorized to remove the Convention prisoners to such place or places in the Commonwealth of Massachusetts Bay as they shall think proper.

~~That the States of Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut and Massachusetts Bay through which they may pass be desired requested to furnish the necessary guards and supply the said prisoners and their guards with provisions and the means of transportation as they pass for carrying them to the place through their respective States, and in case the said States should~~

¹ This report, in the writing of Meriwether Smith, except the passages in brackets which are in the writing of Samuel Huntington, is in the *Papers of the Continental Congress*, No. 26, folio 291.

² This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 427.

neglect so to do, the Board of War be authorized to cause an impress of such provisions ~~and means of transportation~~ in the said States respectively.¹

The Medical Committee; and

The committee on the motion of Mr. [Theodorick] Bland, delivered in their respective reports.

TREASURY OFFICE *May 22nd 1781.*

Upon the letter of Jacob Hiltzheimer on the 19 instant requesting that he might be enabled to make provision for the horses under his care referred to this Board to take order, the Board beg leave to report,

That they know of no present funds which they can draw, to enable him to make the said provision.

Agreeably to the order of Congress dated the 21st instant to report upon the letter from Col Pickering Q: M: Gen^l, the Board beg leave to report,

That so far as they are enabled to judge from the returns made by the respective loan officers compared with the warrants already drawn upon them, no money can be reported, which has the least probability of being paid.²

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MAY 23, 1781

A letter from his Most Christian Majesty, dated at Versailles, 10 March, 1781, was laid before Congress.

A letter, of 22, from Major General Gates, enclosing a copy of a letter, of 12, from General Washington, was read.³

The report of the committee on the motion of Mr. [Theodorick] Bland was read; Whereupon,

The Committee to whom were referred the plan for furnishing the French fleet and army with provision, to a certain amount, together with the memorial from his Most Christian Majesty's Minister Plenipotentiary, the letter from Doctor Franklin, the report of

¹ This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 27, folio 141. It is indorsed: "Report of the Committee on the letter of 22 from the Board of War."

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 319. It was read, the indorsement shows, and probably on this day.

³ This letter is in the *Papers of the Continental Congress*, No. 154, II, folio 357.

a former committee and a letter from the Commander in Chief, with sundry other papers beg leave to report,

That they, according to order, conferred with his Most Christian Majesty's Minister Plenipotentiary, on the several matters committed to them, and having proposed to enter into a discussion of an arrangement for furnishing the French fleet and army with provision to a certain amount, were informed by him, that being without orders or instructions to advance money or bills, he had not any expectation that the measure proposed could be carried into execution; that he was however willing to pay for such provision as Congress should find it convenient to furnish in the manner specified in his memorial of the 24th of March.

Your Committee further report that his Most Christian Majesty's Minister informed them that he believed the Count de Rochambeau had received from the Minister of Finance in France a letter of credit from the Minister of these United States, for supplies to the amount of about four hundred thousand dollars which your Committee conclude to be the same mentioned in Doctor Franklin's letter referred to them, and for which the Count de Rochambeau has called on His Excellency the Commander in Chief.

Your Committee are of opinion that no resources at present appear to be vested in Congress to enable them to procure the provision which is the object of the first proposition.

Your Committee are likewise of opinion with your former Committee that the supplies for which Doctor Franklin has entered into engagements with the Minister of finance in France ought to be furnished at all events, for the reasons given in that report.

And your Committee concur in submitting on these several matters the resolutions reported by that Committee.

Your Committee informed the Minister of France, that the request of the Count De Rochambeau to the Commander in Chief relative to heavy cannon, had been complied with by sending an order to the proper officer to furnish them.¹

Ordered, That the Board of War cause magazines of flower, Indian corn and flesh to be formed of the arrears of the specific supplies required by the resolution of the 25th of February, 1780, and lay before Congress as soon as may be a return of the supplies aforesaid, for the purpose of carrying into effect the resolution of the 11th of April last.²

¹ This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 19, I, folio 393. It is indorsed: "Accepted."

² This order was also entered in the manuscript Secret Journal, Foreign Affairs.

The report from the Medical Committee was read; Whereupon,

The Medical Committee report,

That the Purveyor has certified to them that there is due to Dr Peter Fayssoux for his pay as Physician and Surgeon General of the Hospitals in the Southern Department, a balance of 2599 dollars therefore submit the following resolve:

Ordered, That a warrant issue in favour of Thomas Bond, purveyor of the hospitals, for one thousand dollars of the new emission to be by him paid to Doctor Peter Fayssoux in part of his arrearages of pay, to enable the said Doctor P. Fayssoux to repair to the southern army ~~to take charge of the hospital~~.¹

The report of the committee, ||consisting of Mr. Bland, Mr. Mathews, Mr. Howly,|| appointed to confer with the Board of War, ||was taken into consideration||; and, on the question to agree,

That the Board of War be authorised to remove the Convention prisoners, to such place or places in the Commonwealth of Massachusetts Bay as they shall think proper, the yeas and nays being required by Mr. Ward,

<i>New Hampshire,</i>		<i>Virginia,</i>	
Mr. Sullivan,	no	Mr. Jones,	ay
Livermore,	ay	Madison,	ay
		Bland,	ay
<i>Massachusetts,</i>		M. Smith,	ay
Mr. Lovell,	no		
Ward,	no	<i>North Carolina,</i>	
		Mr. Sharpe,	ay
<i>Rhode Island,</i>		Johnston,	ay
Mr. Varnum,	ay		
<i>Connecticut,</i>		<i>South Carolina,</i>	
Mr. Huntington,	ay	Mr. Mathews,	ay
<i>Pennsylvania,</i>		Bee,	ay
Mr. Atlee,	ay	Eveleigh,	ay
Clymer,	ay		
T. Smith,	no	<i>Georgia,</i>	
<i>Maryland,</i>		Mr. Few,	ay
Mr. Jenifer,	ay	Howly,	ay
Carroll,	ay		

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, II, folio 267.

So the question was lost.

A motion was then made by Mr. [Theodorick] Bland, seconded by Mr. [George] Clymer,

That the Board of War take order to remove the Convention troops, in such manner and to such place as they think most conducive to the good of the union in general.

On which the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jones,	ay	} ay
Livermore,	ay		Madison,	ay	
<i>Massachusetts,</i>			Bland,	ay	
Mr. Lovell,	ay	} div.	M. Smith,	ay	
Ward,	no		<i>North Carolina,</i>		
<i>Rhode Island,</i>			Mr. Sharpe,	ay	} ay
Mr. Varnum,	ay	*	Johnston,	ay	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Huntington,	ay	*	Mr. Mathews,	ay	} ay
<i>Pennsylvania,</i>			Bee,	ay	
Mr. Atlee,	ay	} ay	Eveleigh,	ay	
Clymer,	ay		<i>Georgia,</i>		
T. Smith,	ay		Mr. Few,	ay	} ay
<i>Maryland,</i>			Howly,	ay	
Mr. Jenifer,	ay	} ay			
Carroll.	ay				

So it was resolved in the affirmative.

Resolved, That the states through which they may pass, be requested to furnish the necessary guards, and to supply the said prisoners and guards with provisions through their respective states to the place or places to which they are removed.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MAY 24, 1781

A letter, of 23, from Colonel D. Broadhead, was read.

The letter, of 17, from R. Morris, with the enclosed plan of a bank, was taken into consideration, and after debate:

Ordered, That it be referred to the committee appointed to devise farther ways and means for defraying the expences of the present campaign, &c.

A report from the Board of Admiralty on the petition of Dumaine and Lyon, was taken into consideration; Whereupon,

Resolved, That a copy of said petition be transmitted to the minister plenipotentiary of these United States at the Court of Spain; and that he be directed to represent the matter to the said Court, and take such measures as he may judge expedient to obtain an order to the judge of the admiralty at Teneriffe, to deliver the whole amount of the sales of the prize therein mentioned, to the owners of the brigantine *Brilliant*, their agent or attorney, for the use of the said owners and the captors.¹

The report of the committee on the resolution relative to a compensation for the staff of the army was taken into consideration, and after debate:

Ordered, That the same, together with a motion of Mr. [John] Sullivan, be referred to the Board of War.

The report of the committee ||consisting of Mr. Mathews, Mr. Carroll, Mr. Clymer|| on the letter, of 22d April, from Major General the Marquis de la Fayette, was taken into consideration; Whereupon

Resolved, That Congress entertain a just sense of the patriotic and timely exertions of the Merchants of Baltimore who so generously supplied the Marquis de La Fayette with about two thousand guineas to enable him to forward the detachment under his Command.

That the Marquis de La Fayette be assured that Congress will take proper measures to discharge the engagements he has entered into with the said Merchants.

~~That for this purpose Congress will draw bills on France to the amount of such engagements out of the first monies they may be~~

¹ This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

~~authorized to draw for, unless in the meantime other measures can be adopted for discharging the said debt.~~

~~That the first paragraph of this report be published in the News papers.¹~~

The committee of the week made report; Whereupon,

The Committee of the Week

Report

N^o 1. A Memorial from L^t Col^l Smith praying an advance of money to enable him to join the Army in Virginia.

~~Resolved, That a warrant issue in his Favor upon Thomas Smith Loan officer of the State of Pennsylvania for one thousand Dollars of the New Emissions on Account.~~ Col^l Smith's Memorial be referred to the Board of War to take order.

2. A Memorial from Benjamin Armitage stating the loss he will sustain in his warrant upon M^r Hilliges the day of last and praying a renewall of the said warrant.

Resolved, That the said Memorial be referred to the Board of Treasury.

3. A Letter from Major Lomagne of Armands Legion praying for his pay, and leave of absence for six months.

Resolved, That it be referred to the Board of War.

4. A Letter from Alexander Dow.

Ordered to lie on the table to be considered with the report from the Board of War upon a former memorial of the said Alex^t Dow.²

Ordered, That the memorial of Lieutenant Colonel Smith be referred to the Board of War to take order, the resolution of 4 January notwithstanding;³

That the memorial of B. Armitage be referred to the Board of Treasury;

That the letter, of 23, from Major Lomagne be referred to the Board of War;

¹ This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, II, folio 233.

² This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 32, folio 431.

³ This memorial is in the *Papers of the Continental Congress*, No. 41, IX, folio 159.

That the letter from Alexander Dow lie on the table.¹
Adjourned to 10 o'Clock to Morrow.²

FRIDAY, MAY 25, 1781

A memorial from the honorable the minister plenipotentiary of France was read:

Ordered, That it be referred to a committee of five, and that the committee confer with the superintendant of finance on such parts thereof as relates to money matters:

The members, Mr. [Daniel] Carroll, Mr. [Joseph] Jones, Mr. [John] Witherspoon, Mr. [John] Sullivan, Mr. [John] Mathews.

A memorial of John McClean was read:

Ordered, That it be referred to the Board of Treasury.

The committee of the week delivered in a report; Whereupon,

The committee upon the dispatches report

A letter from General Guest enclosing a letter and his instructions from General Green, commanding his attendance in Maryland and Delaware for the purpose of receiving and forwarding the recruits &c. to the Southern Army and praying the sum of £400 in specie or the exchange to enable him to discharge his expences in executing the above orders, and to enable him to proceed to the army.

¹ Armitage's memorial, dated May 19, 1781, is in the *Papers of the Continental Congress*, No. 41, I, folio 71; Lomagne's letter is in No. 78, XIV, folio 437; Dow's letter is in No. 78, VII, folio 387.

² The following motion was made this day by James Mitchell Varnum, as the indorsement shows. It is in the writing of Varnum and is in the *Papers of the Continental Congress*, No. 36, I, folio 187.

Whereas, notwithstanding the Resolution of the of last, and the measures taken by the Commander in Chief in pursuance thereof, the situation of the Southern Department has been such as hitherto to prevent the inquiry mentioned therein. And whereas Major General Gates has applied to Congress requesting a speedy decision to the end that he may justify his conduct and be in a situation to render farther services in the field. And whereas it appears to Congress by satisfactory information that the defeat of the Troops under the command of General Gates on the of last was owing to misfortune only and not chargeable to any misconduct in the Genl. And it being impracticable for the Court of Inquiry to be convened during the present Campaign it is therefore Resolved that so much of the said Resolution as respects an inquiry into the conduct of General Gates during his command in the Southern Department be and the same is hereby repealed.

Ordered, That a letter, of 24, from Brigadier General Gist, with the papers enclosed, be referred to the Board of War to take order;¹

That so much of the letter, of 25, from J. Cochran, director general, as respects the hospital surgeons, stores and farther appointments, be referred to the Medical Committee;

That such parts of the same as respects depreciation and the pay of surgeons be referred to the Board of War; and

That such parts of the same as respects the postage of letters to and from surgeons be referred to the committee on the Post Office;

That the resignation of Doctor Hagan be accepted;²

A petition from William Trent and others praying leave to locate and survey certain lands granted to Geo. Croghan [Croghan] &c.

That the petition of William Trent and others be referred to the committee on the petition of the Ilionois and Wabach companies.³

The committee ||consisting of Mr. Jones, Mr. Carroll, Mr. Sullivan|| to whom was referred the letter of Governor Lee, of Maryland, of the 10. delivered in a report, which being read:

Ordered, That the Board of War take measures for obtaining permission to send into New York and Charlestown, at the common expence, such quantities of tobacco as will be sufficient to discharge the arrears due from the American prisoners, who have been or now are in confinement, and for the future support of such as now are or hereafter may be in the power of the enemy; and report, from time to time, the quantities of tobacco necessary for these purposes.⁴

¹ Gist's letter is in the *Papers of the Continental Congress*, No. 78, X, folio 399.

² Copies of extracts from Cochran's letter are in the *Papers of the Continental Congress*, No. 78, VI, folios 33-35.

³ This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 32, folio 159. Trent's petition, dated May 21, 1781, is in No. 41, X, folio 87.

⁴ This report, in the writing of Joseph Jones, is in the *Papers of the Continental Congress*, No. 20, II, folio 231.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. [Richard] Howly, one of the delegates for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for eight hundred dollars of the new emission;¹ and on the application of Mr. [William] Few, another delegate for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner aforesaid, for six hundred dollars new emissions, for both which sums the State of Georgia is to be accountable;²

That on the application of William Kinnan, (copper plate printer) a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twelve hundred dollars of the new emission on account:

Ordered, That so much of the report as relates to Francis Bailey's account be re-committed to the Board to take order:

Ordered, That the report on Mr. Pierce's letter; and the report on the account of the select men of Springfield, be re-committed.

A report from the Board of War was read; Whereupon,

WAR OFFICE, May 24. 1781

SIR,

The Merchants who are to pay the money for the cannon purchased of the Admiralty Board, raise difficulties as to payment, as some of the parties who are to pay this money have demands for a proportion of it due for Shot and Shells, and tho' we are willing to deduct what is due on this account we cannot get the matter thro'.

The money will be paid if the whole of it was transacted by the Commissary General of Military Stores, and it would be easily done by him if the Bond or Note given to the Admiralty Board was assigned

¹ This part of the report is in the *Papers of the Continental Congress*, No. 136, V, folio 329.

² This part of the report is in the *Papers of the Continental Congress*, No. 136, V, folio 331.

to M^r Hodgdon. But the resolve of Congress directing that the Admiralty Board should *receive the monies*, they do not consider it right for them to assign the Bond on a supposition that it would not be a sufficient discharge to them as we are informed. The iron masters are importuning us, and think it hard that they are prevented from receiving the small portion of their debts assigned them by any difficulties merely formal. We therefore beg leave to report,

Ordered, That the Board of Admiralty assign to Samuel Hodgdon, assistant commissary general of military stores, the bond or note given for the purchase money of the cannon sold to sundry merchants of Philadelphia; and that the said Samuel Hodgdon collect and pay the monies due thereon, to the iron masters who have cast shot and shells for the United States, in proportion to their respective demands.¹

Ordered, That the Board of War draw a warrant on the paymaster general in favour of William Clajon, secretary to Major General Gates and interpreter to the northern department, for two hundred and forty-three dollars in bills of the new emission, equal to three months' pay and subsistence, for which sum the said William Clajon is to be accountable;²

WAR OFFICE *May 22^d 1781*

SIR,

It appears by a letter from P. V. Renslaer having the direction of the Continental Armoury at Albany, that M^r William De Wit has accomodated him with twelve thousand three hundred and sixty one dollars in bills of the new emission which M^r Renslaer has applied to carry on the repairs of arms, and has drawn an order on the Board for payment, with which we are not capable of complying, and therefore M^r DeWit is left in a most unhappy situation. We know of no method to relieve him in the smallest degree, unless Congress will be pleased to direct,

That a warrant issue on the treasurer of the State of New York, in favour of the paymaster of the Board of War and Ordnance, for twelve thousand three hundred and sixty-one

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 171.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 181.

dollars in bills of the new emission, to be transmitted to P. Van Rensalaer at Albany, to enable him to repay William de Witt the like sum advanced by him to the said P. Van Rensalaer for carrying on the public armory at that place, for which P. V. Rensalaer is to be accountable;¹

WAR OFFICE *May 23. 1781*

SIR,

The Board do themselves the honor to lay before Congress an estimate of M^r Hodgdon for 285 specie equal to 4560 dollars of the new emission, for the purpose of providing arms for Sixty Dragoons of the 4th Regiment.

As there is the strongest necessity that these troops should march without delay, to the southward, the Board request the money may be procured as soon as possible.

If Congress concur with them in sentiment, they will be pleased to resolve,

That a warrant issue on Thomas Smith, commissoner of the continental loan office for the State of Pensylvania, in favour of Samuel Hodgdon, assistant commissary general of military stores, for four thousand five hundred and sixty dollars of the new emission, for the purpose of providing arms for the fourth regiment of dragoons:²

WAR OFFICE *May 21st 1781*

SIR,

We receive daily demands from the Officers and Men of the regiment of Artificers in the department of Commissary General of Military Stores for the pay and depreciation due them as well those who were dismissed under the late resolution of Congress as those retained in the service, all of whom are in a very destitute situation and their minds being thereby much embittered they are of consequence full of complaints and uneasiness. The Board applied to the Executive of Pennsylvania to recommend the depreciation being made up to the regiment but without effect until at the last sitting of the Assembly a Committee of the house reported in favour of the Officers and Men retained for the war and left the others entirely without

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 157.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 175.

provision. On the discharge of the men at Carlisle the Board recommended that the Certificates given them of their pay should be at the rate of twelve dollars specie per month to put them on a footing with the Artificers in the Quarter Master's Department and these men have their Certificates accordingly from their Officers; but we did not advert that the Resolve regulating the pay of this regiment, passed last winter, fixed it at twenty dollars in bills of the new emissions, and that on their first being raised in January 1777 their pay was fixed at twenty dollars p^r month, and agreeable to this Gen^l Knox has given certificates to the Men discharged at Camp part of the Company of this Regiment in the Field at twenty dollars in the new bills recommending the discharged Men in the warmest manner to the notice of Congress. We have no means of satisfying these persons and are constantly exposed to their importunities the justice of which we cannot contravert. We presume the twelve dollars in specie equal at the time in real value to the pay as fixed in the new bills and possibly the States will more readily agree to make up the depreciation if the pay is reasonably fixed, we therefore submit to Congress the propriety of resolving

That it be recommended to the States to which the Officers and Men of the regiment of Artillery Artificers late commanded by Colonel Benj^s Flower belong to settle and pay the depreciation of their pay and charge the same to the United States.

That the Officers and Men who have been left out of the service and discharged by virtue of the resolve of the 29th day of March last be settled with by the States to the time of their quitting the service.

That the pay of Officers of equal rank in the Artillery be allowed the officers of the regiment of Artillery Artificers and a sum not exceeding twelve dollars and not less than eight dollars p^r Month in specie or the value thereof be allowed to the Non Commissioned Officers and Privates of the said regiment.

The reason of fixing the pay in the manner above mentioned is that the Board having had discretionary powers given them by Congress directed the Officers to settle with the Men according to their merit and on this plan the Soldiers discharged at Carlisle have received Certificates. We found on experience that the hopes of having the greater pay by greater industry and attention to their business had a very good effect by stimulating the indolent and rewarding the meritorious.¹

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 145.

AT A BOARD OF WAR, May 22^d. 1781

Present M^r Peters

Col Grayson

The Board have received a memorial from Alexander Dow, late a Captain Lieutenant in the regiment of artificers, who we have always understood to be a deserving, attentive officer. His case so far as respects his pay in the regiment of artificers is comprehended in the report we had the honor to make on the subject of that regiment. As to his claim for depreciation, while he was in the army, previous to his discharge as a supernumerary Officer, it is a question which has not been decided upon by Congress, but whensoever it is determined no doubt M^r Dow will partake of any regulation of a general nature, which Congress may be pleased to make, if any shall be thought necessary. He alledges he has not received his year's pay as Supernumerary Officer, and in some cases similar to his, Congress have directed that the year's pay shall be given in the new money. If they shall be pleased to order this in the case of M^r Dow it will be necessary to resolve

That the Board of War draw a warrant on the Paymaster General in favor of Alexander Dow late a lieutenant in Colonel Malcolm's regiment, for three hundred and twenty dollars, in bills of the new emissions, being one year's pay due him, on his being left out of the service as a Supernumerary Officer.¹

Ordered, That the reports of the Board of War respecting the regiment of artillery artificers and respecting A. Dow, be re-committed.

The report of the committee ||consisting of Mr. Sullivan, Mr. Varnum, Mr. Bland|| on the letter, of 20 December last, from the Commander in Chief, was taken into consideration, having been debated by paragraphs; Whereupon,

Resolved,² That battalion promotions in the infantry, to the rank of commanding officer inclusive, where such battalion is annexed to any State, shall be in the line of such State:

That in regiments of infantry or legionary corps, not annexed to particular states, promotions to the rank of commanding officer inclusive, be regimental or legionary;

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 149.

² From this point the entries are by George Bond.

~~That promotions in the artillery be regimental to the rank of Captains and from thence to the rank of commanding officer inclusive in the line of artillery at large.~~

~~That promotions in the four established regiments of cavalry be regimental to the rank of Captain and from thence to the rank of commanding officer in the line of the four regiments at large.~~

That promotions in the cavalry and artillery, be regimental to the rank of commanding officer inclusive:

That the promoting of battalion officers to the rank of brigadiers, be confined to the following districts, in each of which brigadiers, when necessary, shall be made from the senior officer of that district, without regard to any particular State:

That New Hampshire and Massachusetts, be entitled ~~when the stated number of the troops of the Army shall in the opinion of the Commander in chief render it necessary to two~~ four brigadiers; Rhode Island and Connecticut, two brigadiers; New York and New Jersey, including Colonel Hazen's regiment, two brigadiers; Pensylvania, two brigadiers; Delaware and Maryland, two brigadiers; Virginia, ~~and North Carolina four~~ three brigadiers; North Carolina, one brigadier; South Carolina and Georgia, one brigadier:

That whenever a brigadier shall be wanting for the troops of either of those districts, he shall be made from the senior battalion officer without regarding the State to which he belongs:

That in the cavalry and artillery, brigadiers shall be made from the eldest regimental officers in those corps respectively:

That major generals shall be made from the eldest brigadiers in the army, whether belonging to the infantry, cavalry or artillery:

That all brigadiers hereafter to be made, shall have relative rank respecting each other, agreeable to the date of their last battalion commissions, priority of appointment notwithstanding:

That Tench Tilghman, esq. receive the commission of lieutenant colonel in the line of the army and take rank from the 1st April, 1777:

That Dr. James McHenry receive the commission of major in the army of the United States, to take rank from the 30th of October last:

That officers not annexed to any line, serving in the family of the Commander in Chief, and those serving as aids-de-camps with other general officers, retain the rank they now hold, and shall be eligible to command upon detachments when the Commander in Chief, or commanding officer of a department, shall think proper:

~~And be entitled to promotion when they become the eldest officers of that rank in the line of the Army.~~

~~That volunteers serving in the Army may with the approbation of the Commander in Chief or commander of a separate army receive brevet commissions in the lowest grade of subalterns not to receive pay till placed in command and shall not be entitled to half pay for life till annexed to some line.~~

That all officers who are hostages, and are liable to be called for by the enemy, and are not continued in the line of any State, shall be entitled to their full pay until redeemed, and to half pay for life afterward, in the same manner as officers of equal rank reduced by the late arrangement: and that it be recommended to the respective states, in the line of which they were at the time of their becoming hostages, to make good to them their depreciation, and also to pay them such sums as are or may become due to them, and charge the same to the United States:

That lieutenant colonels commandants of battalions be not considered in different grades from other lieutenant colonels of the line.¹

¹ Here Charles Thomson resumes the entries.

Postponed. Resolved, That Colonel Moses Hazen be promoted to the rank of Brigadier by brevet.¹

Adjourned to 10 o'Clock to Morrow.

SATURDAY, MAY 26, 1781

A memorial of Jose da Fonseca Soares de Feguierido, lawful procurator and attorney of Joaquin Pedro Quintilla, a subject of the Crown of Portugal, was read:²

Ordered, That it be referred to the Board of Admiralty.

A report of the Board of War, on the letter from Brigadier General Gist, which was referred to them to take order, was brought in and read; Whereupon,

WAR OFFICE May 26. 1781

SIR,

If it is the intention of Congress that General Gist shall receive the amount of his request, which is four hundred pounds specie, or an equivalent in paper money by a warrant on the State of Maryland. The Board beg leave to observe, that it will be proper to refer the papers to the Treasury Board, to take order, or direct that a warrant issue on the State of Maryland in favor of the General to that amount, this Board not being authorized to draw warrants on any of the States.³

Ordered, That a warrant issue on the commissioner of the continental loan officer for the State of Maryland, in favour of the paymaster general, for three thousand dollars new emission, to enable him to pay Brigadier General Gist that sum on account.

On motion of Mr. [Thomas] Bee:

¹ This report, partly in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 152, X, folio 57. A copy of a draft of the report, dated March 9, is in the *Washington Papers*, 96, folio 144; and a copy of this draft with Washington's comments, dated April 3, is in the *Papers of the Continental Congress*, No. 152, X, folio 43.

About this time was received the petition of Roux & Co., dated Cape François, April 21. It is in the *Papers of the Continental Congress*, No. 42, VI, folio 445; and the letter of transmittal is on folio 453.

² This memorial is in the *Papers of the Continental Congress*, No. 42, III, folio 65.

³ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 167.

Ordered, That the Board of Treasury be discharged from taking order respecting the account of F. Bailey; and that a warrant issue on Thomas Smith, commissioner of the continental loan office for Pennsylvania, in favour of the committee lately appointed to publish the Declaration of Independence, the Articles of Confederation, &c., for the sum of eight hundred dollars new emission to enable them to pay for the publication of the said work.

A letter from Geo. Nicholson to the delegates of Virginia was read:¹

Ordered, That it be referred to the Board of War.

A report of the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. J[ohn] Mathews, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twelve hundred dollars of the new emission, for which the State of South Carolina is to be accountable;

That on the application of Hall and Sellers, printers, a warrant issue in their favour on Thomas Smith, commissioner aforesaid, for one thousand dollars of the new emission on account, to enable them to carry on the printing business of the United States.²

The committee to whom was referred the memorial of the honorable the minister plenipotentiary of France delivered in a report; Whereupon,

The Committee appointed to confer with the Minister of France on his memorial of the 25th of this month beg leave to report,

That having conversed with him upon the reasons which induced his Most Christian Majesty to alter the destination of the second division, which was intended for the defence of the United States, They find that the particular situation of affairs in Europe, has induced him to take the necessary precautions and be in readiness to

¹ This letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 139.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 333.

defend his own frontiers, and to prevent the effect of any stroke meditated against the Alliance.

That to prevent the designs of the party in the United Provinces desirous of a reconciliation with Great Britain, and to encourage and support the party opposed to the measures of Britain, he has been obliged to furnish land and sea forces both in Europe and the East Indies, which became necessary as Britain had already gained very great advantages over that Nation and their possessions in the East Indies are in a defenceless situation.

Your Committee are of opinion, that the part of the Memorial respecting the subsidy and loan be referred to the Superintendent of Finance, and that he be directed to confer with the Minister of France on that subject.¹

Ordered, That so much of the said memorial as respects a subsidy and loan be referred to the superintendant of finance, and that he be directed to confer with the minister of France on that subject.

The committee on the letter, of May 17, from Mr. R. Morris;

The committee on the letter, of 22 and 27 April, from Major General Greene;

The committee on the letter, of 16, from J. Howell; and

The Medical Committee; delivered in their respective reports.

The Medical Committee report that from a Certified account of Joseph Eaker, Surgeon's Mate, under the hands of Doctor William Shippen, late Director General and Thomas Bond Purveyor, and a letter from the said Joseph Eaker, referred to them, it appears to your Committee that the said Eaker has been lately released from captivity where he had remained for seven months, that he is in much distress, and that there is due to him the said Eaker on account of pay and rations £444- 13s- 3d—Your Committee therefore report, that a warrant issue in favour of Dr Tho^s Bond, Purveyor of General Hospital for a sum equal to £444- 13s- 3d to be paid to Joseph Eaker late Surgeons Mate to the Hospital on discharge of the

¹ This report, in the writing of Daniel Carroll and John Mathews, is in the *Papers of the Continental Congress*, No. 25, I, folio 417.

pay and rations due the said Eaker as appears by the aforesaid Certified acc^t.¹

The report of the committee ||consisting of Mr. Wither-
spoon, Mr. Sullivan, Mr. M. Smith, Mr. Clymer|| on the letter
from Mr. R. Morris ||with the plan of a bank|| was taken into
consideration;² Whereupon,

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, II, folio 191.

² The plan, in the writing of Robert Morris, is in the *Papers of the Continental Congress*, No. 137, I, folio 21, and is as follows:

Plan for establishing a national bank in the United States of North America.

I. That a subscription be opened for four hundred thousand dollars, in shares of four hundred dollars each, to be paid in gold or silver.

II. That the subscriptions be paid into the hands of George Clymer and John Nixon, esqrs. or their agents.

III. That every subscriber of less than five shares, pay the whole sum on the day of his subscription.

IV. That every subscriber of five shares, or upwards, pay one-half the sum on the day of his subscription, and the other half within three months of that day.

V. That every holder of a share shall be entitled to vote by himself, his agent, or proxy properly appointed, at all elections for Directors, and that he have as many votes as he holds shares; and that every subscriber may sell or transfer his share or shares at his pleasure, the transfer being made in the bank books, in presence and with the approbation of the proprietor, or his lawful attorney, the purchaser then to become entitled to the right of voting, &c.

VI. That there be twelve Directors chosen from among those entitled to vote, who, at their first meeting, shall choose one as President.

VII. That there be a meeting of the Directors quarterly, for the purpose of regulating the affairs of the Bank; any seven of the Directors to make a Board, and that the Board have power to adjourn from time to time.

VIII. That the Board of Directors determine the manner of doing business, and the rules and forms to be pursued, appoint the various officers which they may find necessary, and dispose of the money and credit of the Bank for the interest and benefit of the proprietors, and make, from time to time, such dividends, out of the profits, as they may think proper.

IX. That the Board be empowered, from time to time, to open new subscriptions, for the purpose of increasing the capital of the Bank, on such terms and conditions as they shall think proper.

X. That the Board shall at every quarterly meeting, choose two Directors to inspect and control the business of the Bank for the ensuing three months.

XI. That the Inspectors so chosen, shall on the evening of every day, Sundays excepted, deliver to the Superintendent of the Finances of America, a state of the cash account and of the notes issued and received.

The Committee to whom was referred the letter from Mr. R. Morris of the 17 May 1781 together with a plan for establishing a National Bank, beg leave to Report,

That they approve the said plan and are of opinion that when carried into Execution, it will promote the Interest of the Subscribers, facilitate the commercial intercourse of Individuals, and be highly convenient and advantageous to Government.

Your Committee therefore submit the following resolutions:

Resolved, That Congress do approve of the plan for establishing a national bank in these United States, submitted to their consideration by Mr. R. Morris, the 17 day of May, 1781; and that they will promote and support the same by such ways and means, from time to time, as may appear necessary for the institution and consistent with the public good:

That the subscribers to the said bank shall be incorporated agreeably to the principles and terms of the plan, under the name of *The President, Directors and company of the bank of North-America*, so soon as the subscription shall be filled,

Footnote continued.

That the bank notes, payable on demand, shall by law be made receivable in the duties and taxes of every State in the Union, and from the respective states by the treasury of the United States as specie.

XII. That the Superintendent of the Finances of America shall have a right, at all times, to examine into the affairs of the Bank, and for that purpose shall have access to all the books and papers.

XIII. That any Director or officer of the Bank, who shall convert any of the property, monies or credits thereof to his own use, or shall any other way be guilty of fraud or embezzlement, shall forfeit all his share or stock to the company.

XIV. That laws shall be passed making it felony without benefit of clergy, to commit such fraud or embezzlement.

XV. That the subscribers shall be incorporated under the name of the President, Directors and Company of the Bank of North America.

XVI. That none of the Directors shall be entitled to any pecuniary advantage for his attendance on the duties of his office as Director, or as President or Inspector, unless an alteration in this respect, shall hereafter be made, by the consent of a majority of the stock-holders at a general election.

XVII. That as soon as the subscription shall be filled, George Clymer and John Nixon, esqrs. shall publish a list of the names and sums respectively subscribed, with the places of abode of the subscribers, and appoint a day for the choice of Directors, to whom, when chosen, they shall deliver over the money by them received.

This plan is followed by observations, also in Morris's writing, on folio 23.

the directors and president chosen, and application for that purpose made to Congress by the president and directors elected.

On the question to agree to this paragraph, the yeas and nays being required by Mr. T[homas] Smith,

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jones,	ay	} ay
Livermore,	ay		Madison,	no	
<i>Massachusetts,</i>			Bland,	ay	
Mr. Lovell,	no	} no	M. Smith,	ay	
Ward,	no		<i>North Carolina,</i>		
<i>Rhode Island,</i>			Mr. Sharpe,	ay	} ay
Mr. Varnum,	ay	*	Johnston,	ay	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Huntington,	ay	*	Mr. Mathews,	ay	} ay
<i>New Jersey,</i>			Bee,	ay	
Mr. Witherspoon,	ay	} ay	Motte,	ay	
Houston,	ay		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Walton,	ay	} ay
Mr. Clymer,	ay	} div.	Few,	ay	
T. Smith,	no			Howly,	
<i>Maryland,</i>					
Mr. Jenifer,	ay	} ay			
Carroll.	ay				

So it was resolved in the affirmative.

Resolved, That it be recommended to the several states by proper laws for that purpose, to provide that no other bank or bankers shall be established or permitted within the said states respectively during the war.

Resolved, That the notes hereafter to be issued by the said bank, payable on demand, shall be receivable in payment of all taxes, duties and debts due, or that may become due or payable to the United States:

Resolved, That Congress will recommend to the several legislatures to pass laws, making it felony without benefit of clergy, for any person to counterfeit bank notes, or to pass such notes, knowing them to be counterfeit; also making it

felony without benefit of clergy, for any president, inspector, director, officer or servant of the bank, to convert any of the property, money or credit of the said bank to his own use, or in any other way to be guilty of fraud or embezzlement as an officer or servant of the bank.¹

The report of the committee ||consisting of Mr. Jones, Mr. Jenifer, Mr. Mathews|| on the letters from Major General Greene was taken into consideration; Whereupon,

The committee to whom were referred the letters of Major General Greene of the 22^d and 27th of April with their enclosures, Report,

Ordered, That a copy of Major General Greene's letter of the 22 of April, be transmitted to the executives of the states from New Hampshire to New Jersey, both inclusive; that the said states respectively may have before them, as fully as the same is communicated to Congress, the dangerous situation of the southern states; and from a knowledge of their circumstances, and consideration of their distress, may be prompted to make the utmost exertions for sending forward to the main army their quotas of men, agreeably to the requisitions of Congress of the 3d and 21st day of October last, whereby alone the Commander in Chief can be enabled to give effectual succour to the southern states and prosecute with vigour the operations of the ensuing campaign.²

¹ This report, in the writing of Robert Morris, is in the *Papers of the Continental Congress*, No. 137, I, folio 29.

The following, in John Sullivan's writing, is in No. 28, folio 139; apparently, it was not adopted:

The Committee appointed
~~beg leave to report that the Superintendent of Finance has laid before them his plan for procuring money and other articles for the use of the United States, which after proper examination they highly approve; they therefore submit the following Resolution.~~

Resolved, That the Superintendent of Finance be empowered to pursue such measures, as he may think proper for exporting and importing goods money and other articles at the risk and for the account of the United States, at such time and in such manner as he shall deem necessary and useful to the public Service.

² This report, in the writing of Joseph Jones, is in the *Papers of the Continental Congress*, No. 19, II, folio 461.

The report of the committee ||consisting of Mr. Varnum, Mr. Motte, Mr. Carroll,|| on the letter of J. Howell, auditor of accounts in the main army, was taken into consideration; Whereupon,

Resolved, That the officers of the flying camp, [lately returned from captivity, be allowed depreciation by their respective states, in the same manner as officers of lines in such states:

That in settling the accounts of officers returned from captivity, and who are entitled to the benefits of the resolutions of the 24th of November, 1778, and 22d of May, 1779, the auditors allow the year's pay mentioned in said resolutions in bills of the new emission, issued agreeably to the resolution of the 18th of March, 1780, and which shall be paid by the paymaster general:

That auditors of the army cannot take notice of breaches of parole till the same be ascertained by courts-martial, and that the pay of such officers will vary from that of other officers, according to the sentence, and not otherwise.]¹

On motion of Mr. [John] Witherspoon, seconded by Mr. [James] Lovell:

Ordered, That the secretary treat with Mr. R. Aitkin for the purchase of two hundred copies of the first and second volumes of the Journals of Congress for the use of the United States.²

Adjourned to 10 o'Clock on Monday.

MONDAY, MAY 28, 1781

A letter, of March 12, 1781, from the honorable Doctor B. Franklin was read, with sundry papers enclosed:

Ordered, That the same be referred to the committee on the memorial from the honorable the minister of France.

¹ This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, III, folio 211.

The portion in brackets was entered in the Journal by George Bond.

² A letter, of May 21, from Major General St. Clair was read, as the indorsement states. It is in the *Papers of the Continental Congress*, No. 161, folio 525.

A letter, of 19 March, from the honorable Colonel J. Laurens was read.¹

A committee of the week was elected:

The members, Mr. [William Churchill] Houston, Mr. [William] Few, Mr. [Artemus] Ward.

A report from the Board of War was read; Whereupon,

WAR OFFICE *May 26. 1781*

SIR,

The Board have received the enclosed letters from Col: Pickering, by which it appears that the resolve of Congress ordering Mr Bradford to deliver all the duck *proper for Tents* to the Q. M. G has had very little effect from the limited terms in which it is conceived, the most rigid construction having been put on the words *proper for Tents*. The greater part of the duck is of the heavier kind, and much of this is wanted for sails for the Gun Boats and Craft on the North River, and the whole of it may be advantageously exchanged for Raven's Duck, which is the sort proper for Tents and wagon covers. The foundation of the exact attention which is paid to the words of the resolve, *proper for Tents*, appears to be that the Duck is to be sold to raise money for the Navy. As this is a circumstance we were unacquainted with, we leave it to the determination of Congress, whether the essential article of Tents is not of the most consequence to the public, and it is needless to mention how incapable the Q. M. G is to purchase them or procure waggon covers, and sails for the Craft on the North River which will be very necessary if any operations of importance take place in that quarter. There are in the possession of Mr Bradford 120 Bales containing from nine to twelve pieces in a Bale, so that there are at least one thousand pieces, which at a moderate computation will make more than three thousand Tents, an object of the first consequence in our present situation. We submit the following resolution for the consideration of Congress. Should Congress agree to it the Q. M. G will be enabled to have a number of Tents independent of State supplies which at best appear to be very uncertain, both as to time and quantity. If the Tent cloth should arrive from France, and there should be more than is wanted in the Q. M. G's department, Congress may order as much to the Admiralty Board, as will be an equivalent for the Duck in Mr Bradford's hands, and in the mean time the Tents will be making up.

¹ Franklin's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) IV, 281.

Ordered, That all the duck of whatever description, belonging to the United States, in the hands of the continental agent at Boston, be delivered to the quartermaster general, or his order; that so much thereof as is suitable may be made up into tents, and the residue, (except so much as is necessary for other uses in the quartermaster general's department,) be exchanged for light duck or other materials fit for tents, and the materials produced by such exchange be immediately made up into tents for the use of the army.¹

Ordered, That the Board of War draw a warrant on the paymaster general in favour of Major Lomagne for two hundred and twenty-five dollars in bills of the new emission, equal to three months' pay and subsistence, for which sum he is to be accountable.²

A letter, of 26, from the Board of War was read, respecting the removal of the Convention prisoners.³

The report of the committee on the letter, of 6th November, 1780, from the honorable J. Jay, was taken into consideration and agreed to.

On the report of a committee to whom was referred a letter of the 6th November, 1780, from the honourable J. Jay, Congress agreed to the following letter:

SIR,

Your letter of the 6th of November last, detailing your proceedings from the 26th of May down to that period, has been received by the United States in Congress assembled. At the same time was received your letter of the 30th of November, with the several papers therein referred to.

It is with pleasure, sir, I obey the direction of Congress to inform you, that throughout the whole course of your negotiations and transactions, in which the

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 185.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 189.

³ This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 379.

utmost address and discernment were often necessary to reconcile the respect due to the dignity of the United States with the urgency of their wants, and the complaisance expected by the Spanish court, your conduct is entirely approved by them. It is their instruction that you continue to acknowledge, on all suitable occasions, the grateful impression made on these states by the friendly disposition manifested toward them by his Catholick Majesty, and particularly by the proofs given of it in the measures which he has taken, and which it is hoped he will further take, for preserving their credit, and for aiding them with a supply of clothing for their army. You are also authorised and instructed to disavow, in the most positive and explicit terms, any secret understanding or negotiation between the United States and Great Britain; to assure his Catholick Majesty that such insinuations have no other source than the insidious designs of the common enemy; and that as the United States have the highest confidence in the honour and good faith both of his Most Christian and of his Catholick Majesty, so it is their inviolable determination to take no step which shall depart, in the smallest degree, from their engagements with either.

Should the Court of Spain persist in the refusal intimated by its minister to accede to the treaty between the United States and his Most Christian Majesty, or to make it the basis of its negotiations with you, the difficulty, it is conceived, may easily be avoided by omitting all express reference to that treaty, and at the same time conforming to the principles and tenor of it; and you are accordingly authorised so far to vary the plan of your original instructions. As his Most Christian Majesty, however, may justly expect, in a matter which so nearly concerns him, and which was brought into contemplation in the treaty he so magnanimously

entered into with these states, the strongest marks of attention and confidence, you will not fail to maintain, in the several steps of your negotiation, a due communication with his minister at the Court of Spain, and to include his interests as far as circumstances will warrant.

You are authorised to acquaint his Catholick Majesty that not only entire liberty will be granted, during the war at least, to export naval stores for the royal marine, but that every facility will be afforded for that purpose.

Congress are willing to deliver over to his Catholick Majesty's service the 74 gun ship now on the stocks at Portsmouth
Postponed. in New Hampshire, on his replacing all the expences, as nearly as they can be liquidated, which shall have been incurred at the time of her actual transfer. The first cost as she now stands is upwards of 60,000 Spanish milled dollars. The further cost of completing her hull and launching her will it is computed amount to upwards of 40,000 more. All the materials necessary for rigging and arming her must be imported. No engagement can be made for American seamen to navigate her.

As Congress have no control over the captains of private vessels, however proper your hints may be of obliging them to give a passage to American seamen returning home from foreign ports, and to send an officer with the despatches entrusted to them for foreign ministers, it is impracticable to carry them into execution, you will therefore continue to provide for these objects, for the present, in the best manner you can. As soon as the United States are in condition to establish consuls in the principal ports of the states with which they have intercourse, the difficulty will be removed; or if any other practicable remedy be suggested in the mean time, it will be applied.

The letter, of which you enclose a copy, from Stephen Audibert Caille, styling himself consul for unrepresented nations at the Court of Morocco, had before been received through the hands of Doctor Franklin. If

you shall see no objection to the contrary, you will correspond with him, and assure him in terms the most respectful to the emperor, that the United States in Congress assembled entertain a sincere disposition to cultivate the most perfect friendship with him, and that they will embrace a favourable occasion to announce their wishes in form.

The generous and critical services rendered these United States by Messrs. Neufville and Son have recommended them to the esteem and confidence of Congress. You will signify as much to them, and that their services will not be forgotten, whenever a proper occasion offers of promoting their interests.

Your intimation with respect to complimenting his Catholick Majesty with a handsome fast sailing packet-boat, claims attention; but the variety of public embarrassments will render the execution of it very uncertain.

Congress agree to an extension of Colonel Livingston's furlough, till the further order of Congress, which you will make known to him.

Your letter of the 16th day of September last was received on the 4th day of December. No bills have been drawn on you since. That of the 28th January was received on the 27th day of April; and in consequence of it the sale of the bills already drawn, but then remaining on hand, was countermanded.

By a letter from Mr. Carmichael, dated the 22d of February, and received on the 27th of April last, Congress are informed that you had received despatches from them dated in October. These must have contained their instructions to you to adhere to the claim of the United States to the navigation of the Mississippi. A reconsideration of that subject determined Congress, on the 15th day of February last, to recede from that

instruction so far as it insisted on their claim to the navigation of that river below the thirty-first degree of north latitude, and to a free port or ports below the same. On the receipt of this latter instruction, Congress have little doubt that the great obstacle to your negotiations will be removed, and that you will not only be able, without further delay, to conclude the proposed alliance with his Catholick Majesty, but that the liberality and friendly disposition manifested on the part of the United States by such a cession will induce him to afford them some substantial and effectual aid in the article of money. The loss attending the negotiation of bills of exchange has been severely felt. A supply of specie through the Havanna would be much more convenient and acceptable.¹

A motion of Mr. [Meriwether] Smith was taken into consideration; after debate:

Whereas, there is a great deficiency of provisions in the Magazines at and near the posts upon the Hudson's River, notwithstanding the requisitions of Congress and the engagements of the respective states for furnishing adequate quantities of the same; and whereas an immediate supply alone can prevent the most fatal consequences, and enable the Commander in Chief of the Army, to pursue with vigour and success the great objects of the Campaign; and whereas the exertions of the Executives in many of the States have not been sufficient to call forth their resources notwithstanding the most urgent necessity; Be it therefore

Resolved, that the Commander in Chief aforesaid be, and he is hereby fully authorised and empowered to take by impressing, or otherwise such quantities of provisions in the respective States as have been assessed upon them by the Resolutions of Congress of the twenty fifth of February 1780 and of the fourth of November 1780, or so much thereof as the said States or any of them have been deficient in supplying agreeable to the requisitions aforesaid; and in

¹This letter was entered only in the manuscript Secret Journal, Foreign Affairs, in Secret Journal No. 4, and in Secret Journal No. 6, Vol. III, The draft, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 25, I, 411.

case larger quantities of provision should be taken from any of the States than their proportion aforesaid the same shall be paid for in gold and silver or other money equivalent with interest as soon as the finances of the United States will admit of it.

Be it also resolved that the Commander in Chief aforesaid, cause sufficient carriages to be obtained by impress or otherwise for transporting such provision from the respective places of collection to such other places as he shall think proper, and that he order certificates to be given for all provision so taken and for teams or other carriages to transport the same. And be it further resolved that the powers herein granted to the Commander in Chief continue for the space of six months, unless sooner revoked by Congress, and that he be fully impowered and directed to execute the same, ~~in case of necessity by military force and to call on the executive of the respective states for such aid,~~ by all ways and means that to him shall appear conducive thereto or the necessity of the case may require. And the Board of War is hereby ordered to transmit forthwith to the Commander in Chief an account of the specific supplies furnished by the respective States according to the returns that have been made.¹

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [William Churchill] Houston, Mr. [John] Mathews.

The committee to whom was referred the memorial from the honorable the minister of France reported the substance of a conference they have had with the said minister:

On the 22d of May the minister of France transmitted to Congress a letter from his Most Christian Majesty, in answer to theirs of the 22d of November last, and which is as follows:

To our very dear great friends and allies the President
and members of the Congress of the United States
of North America.

Very dear great Friends and Allies,

We have received your letter of the 22d of November last, which you directed Dr. Franklin to deliver. We have seen therein with pain the picture of the distressed

¹ This motion, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 36, I, folio 185. It is indorsed: "August 24, 1781, not to be acted upon."

state of your finances, and have been so affected that we have determined to assist you as far as our own wants and the extraordinary and enormous expences of the present war in which we are engaged for your defence, will permit. The chevalier de la Luzerne is enjoined to inform you more particularly of our intentions. And we are persuaded that the details which he will make will induce you to exert your utmost efforts to second ours, and will more and more convince you how sincerely we interest ourselves in the cause of the United States; and that we employ all the means in our power to make it triumphant. You may rely on our perseverance in the principles which have hitherto directed our conduct. It has been fully proved, as well as the sincere affection we entertain for the United States in general, and for each in particular. We pray God to have you, very dear great friends and allies, in his holy protection.

Written at Versailles, the 10th March, 1781. Your good friend and ally.

LOUIS.

GRAVIER DE VERGENNES.¹

At the time the minister of France transmitted the foregoing letter, he informed Congress that he had received despatches containing matters of great importance which he would hasten to communicate as soon as his letters were all deciphered.

Accordingly on the 25th of May he sent to Congress the following memorial:

PHILADELPHIA, May 25, 1781.

The underwritten minister plenipotentiary of France has the honor to inform Congress, that the second division of the troops commanded by the Count de

¹ This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 277.

Rochambeau of the fleet destined for the protection of the coasts of the United States could not be expedited, nor are they to be expected this campaign. Measures however are taken to reinforce the corps now at Rhode Island, and to despatch some vessels of force to join the squadron and enable it to put to sea. The underwritten entreats that Congress would be pleased to name a committee to whom he will communicate the causes of this change, and they will therein find new proofs of wisdom in the motives which direct the conduct of his Majesty. But although for very important reasons he is deprived of the pleasure of assisting the United States with so considerable a fleet and army as was proposed, he will not be wanting in the most vigorous efforts against the enemy; and he trusts that the powerful diversions he shall make will prevent them from undertaking any enterprise which may not be baffled by the resources and courage of the United States. The king has at the same time resolved to give them a new proof of his affection, and of his earnest desire to remove the difficulties which they find in procuring funds to enable them to act with vigour and efficacy during the present campaign. With this view, notwithstanding the enormous expences he is obliged to incur in supporting the war in which he is engaged, the king has resolved to set apart a considerable sum which is to be applied to the purchase of the clothing, arms and ammunition, which Dr. Franklin was instructed to apply for. Upon this subject, the Count de Vergennes is to consult with that minister; and Mr. Neckar proposes to take the necessary measures for procuring the articles of a good quality and at a reasonable price. The king has resolved to grant the United States a subsidy of six millions livres tournois, and to enable Dr. Franklin to borrow four millions more for the service of this year. It is presumed that the whole amount of the six millions will not be wanted

for the purchase of the articles required: in that case it is his Majesty's intention that the surplus be at the disposal of Congress, or of the superintendent of their finances, if they think proper to entrust him with the management of it. It was not possible for the court, considering the hasty departure of the frigate which brought the despatches, to determine the amount of the supplies after the purchase of the above mentioned articles; but as the wants of the United States seem not to admit of delay, the Chevalier de la Luzerne, without waiting for farther orders, undertakes of himself to fix it at one million five hundred thousand livres tournois. And if Congress think that the whole amount of this sum is wanted, he will immediately inform his court thereof, that measures may be taken for the punctual discharge of the bills that may be drawn. As it is the king's intention to establish the greatest regularity in the payments, it will be proper for the underwritten minister to confer with Congress, or the superintendent of finance, and to agree upon the drafts to be made, and the usances at which they shall be payable. It is necessary that the terms of payment be at a considerable distance one from another, lest the department of finance should not be in condition to pay such large sums at short periods. The king's intention in granting the United States this gratuitous subsidy is to enable them to act with vigour during the present campaign. And his majesty desires that Congress would give the necessary orders, that the whole may be applied to this important object, which does not admit of any delay. The communications which the underwritten minister is charged to make to Congress will convince them that not a moment's time is to be lost.¹

¹ This version of the memorial is taken from the printed Secret Journal. Another translation is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 434.

On the 26th May the minister sent to Congress another memorial as follows:

PHILADELPHIA, *May 26, 1781.*

The underwritten minister plenipotentiary of France has received orders to communicate to Congress some important details touching the present situation of sundry affairs in which the United States are immediately interested. The most essential respects some overtures which announce, on the part of Great Britain, a desire of peace. The Empress of Russia having invited the king and the Court of London to take her for mediatrix, the latter court considered this as a formal offer of mediation, and accepted it. It appeared at the same time to desire the emperor to take part therein; and this monarch has in fact proposed his co-mediation to the belligerent powers in Europe. The king could not but congratulate himself on seeing so important a negotiation in the hands of two mediators whose understanding and justice are equal. Nevertheless, his Majesty actuated by his affection for the United States, returned for answer, that it was not in his power to accept the offers made to him, and that the consent of his allies was necessary. The king wishes to have this consent before he formally accepts the proposed mediation. But it is possible that circumstances joined to the confidence he has in the mediators, and the justice of his cause, and that of the United States his allies, may determine him to enter upon a negotiation before the answer of Congress can reach him. But in either case, it is of great importance that this assembly should give their plenipotentiary instructions proper to announce their disposition to peace, and their moderation, and to convince the powers of Europe that the independence of the thirteen United States, and the engagements they have contracted with the king, are the sole motives which deter-

mine them to continue the war; and that whenever they shall have full and satisfactory assurances on these two capital points, they will be ready to conclude a peace. The manner of conducting the negotiation, the extent of the powers of the American plenipotentiary, the use to be made of them, and the confidence that ought to be reposed in the French plenipotentiaries and the king's ministers, are points which should be fully discussed with a committee. And the underwritten minister entreats that Congress would be pleased to name a committee, with whom he will have the honour to treat. He thinks that this assembly will be sensible that the king could not give a greater mark of his affection for the thirteen United States, or of his attachment to the principles of the alliance, than by determining not to enter upon a negotiation before they were ready to take part therein, although, in other respects, his confidence in the mediators, and the relation he stands in to one of them, were sufficient motives to induce him to accept their offers. Congress are too sensible of the uncertainty of negotiations of this sort not to know, that the moment of opening them is that precisely when the efforts against the enemy ought to be redoubled; and that nothing can facilitate the operation of the negotiators so much as the success of the arms of the allies; that a check would be productive of disagreeable consequences to both, and that would rise in their pretensions, their haughtiness, and obstinacy, in proportion to the languor and slackness of the confederates.

The undersigned will have the honour to communicate to the committee some circumstances relative to the sending Mr. Cumberland to Madrid; to the use which Mr. Adams thought he was authorised to make of his plenipotentiary powers; to the mission of Mr. Dana; to the association of the neutral powers, and to the

present state of affairs in the south. Congress will find new motives for relying on the good will of the king, and on the interest he takes in favour of the United States in general, and of each one of them in particular.

LE CHEVR. DE LA LUZERNE.¹

The two foregoing memorials were referred to Mr. [Daniel] Carroll, Mr. [Joseph] Jones, Mr. [John] Witherspoon, Mr. [John] Sullivan and Mr. [John] Mathews, who were instructed to confer with the minister, and receive his communications.

May 28. The committee, appointed to confer with the minister of France, report,

That the minister communicated some parts of a despatch which he had received from the count de Vergennes, dated the 9th March, 1781. That the resolves of Congress which had been adopted on the association of the neutral powers, were found very wise by the council of the king; and that it was thought they might be of service in the course of the negotiation. The French ministry did not doubt but they would be very agreeable to the Empress of Russia. But they were not of the same opinion with respect to the appointment of Mr. Dana, as a minister to the Court of Petersburg. The reason is that Catharine the second has made it a point, until now, to profess the greatest impartiality between the belligerent powers. The conduct she pursues on this occasion is a consequence of the expectation she has that peace may be re-established by her mediation; therefore she could by no means take any step which might show on her side the least propension in favour of the Americans, and expose her to the suspicion of partiality towards America, and of course exclude her from the mediation. The

¹ This memorial is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 440.

appointment of Mr. Dana, therefore, appears to be at least premature; and the opinion of the council is that this deputy ought not to make any use of his powers at this moment. In case he applies to the Count de Vergennes for advice, he will be desired to delay making any use of his powers. The count observes, it would be disagreeable to Congress that their plenipotentiary should meet with a refusal, that their dignity would be offended, and that such a satisfaction ought not to be given to the court of London, especially when negotiations of a greater moment are about to commence. However, the French minister had orders to assure the committee that his court would use all their endeavours in proper time to facilitate the admission of the plenipotentiary of Congress.

The minister communicated to the committee several observations respecting the conduct of Mr. Adams; and in doing justice to his patriotick character, he gave notice to the committee of several circumstances which proved it necessary that Congress should draw a line of conduct to that minister of which he might not be allowed to lose sight. The minister dwelt especially on a circumstance already known to Congress, namely, the use which Mr. Adams thought he had a right to make of his powers to treat with Great Britain. The minister concluded on this subject, that if Congress put any confidence in the king's friendship and benevolence; if they were persuaded of his inviolable attachment to the principle of the alliance, and of his firm resolution constantly to support the cause of the United States, they would be impressed with the necessity of prescribing to their plenipotentiary a perfect and open confidence in the French ministers, and a thorough reliance on the king; and would direct him to take no step without the approbation of his Majesty; and after giving him,

in his instructions, the principal and most important outlines for his conduct, they would order him, with respect to the manner of carrying them into execution, to receive his directions from the Count de Vergennes, or from the person who might be charged with the negotiation in the name of the king. The minister observed that this matter is the more important, because, being allied with the United States, it is the business of the king to support their cause with those powers with whom Congress has no connexion, and can have none, until their independence is in a fair train to be acknowledged. That the king would make it a point of prudence and justice to support the minister of Congress; but in case this minister, by aiming at impossible things, forming exorbitant demands, which disinterested mediators might think ill-founded, or perhaps by misconstruing his instructions, should put the French negotiators under the necessity of proceeding in the course of the negotiation without a constant connexion with him, this would give rise to an unbecoming contradiction between France and the thirteen United States, which could not but be of very bad effect in the course of the negotiation.

In making these observations the minister remarked, that it was always to be taken for granted, that the most perfect independency is to be the foundation of the instructions to be given to Mr. Adams; and that without this there would be no treaty at all. The Count de Vergennes observes that it is of great importance that the instructions aforesaid be given as soon as possible to Mr. Adams. And the minister desired the committee to press Congress to have this done with all possible despatch. He communicated to the committee the following particulars, as a proof that this matter admits of no delay, and that it is probable

the negotiation will very soon be opened. He told the committee that the English ministry, in the false supposition that they might prevail on the Court of Madrid to sign a separate peace, had begun a secret negotiation with that court by the means of Mr. Cumberland, but without any success. That the Court of Spain had constantly founded her answer on her engagements with his Most Christian Majesty. That on the other side, the King of France had declared to the king his cousin, that the independence of the United States, either in fact, or acknowledged by a solemn treaty, should be the only foundation of the negotiations of the Court of France with that of London. That the British court not seeming to be disposed to grant the independency, it appeared the negotiation of Mr. Cumberland was superfluous. However, this English emissary continued and still continues his residence at Madrid, although he cannot have any expectation of obtaining the object of his commission. That this direct negotiation was known to all Europe; and that it seemed to render every mediation useless. That, however, the Empress of Russia, excited by motives of friendship to the belligerent powers, and in consequence of the share which the association of the neutral powers had given her in the general emergency, has invited the king of France and the Court of London to require her mediation. That the Court of London has accepted the invitation with a kind of eagerness, and at the same time desired the Emperor of Germany to take a part in it. That the answer of the king of France to the overtures of the Court of Petersburg was, that he would be glad to restore peace by the mediation of Catharine, but that it was not in his power immediately to accept her offers, as he had allies whose consent was necessary for that purpose. To the same application made by

the Court of Petersburg to that of Madrid, this court answered, that having entered into a direct negotiation with the Court of London by the means of Mr. Cumberland, it thought proper to wait the issue of it before it had recourse to a mediation. The emperor, as has already been observed, having been desired by the Court of London to take part in the mediation, immediately informed the King of France, as well as his Catholick Majesty, of this circumstance, offering his co-mediation to both the allied monarchs. To this the King of France gave the same answer which he had given to the Empress of Russia. As to the King of Spain, he again expressed his surprise at the English ministry's requesting a mediation, after having entered into a direct negotiation; and he declared that unless this negotiation should be broken off by the English themselves, it would be impossible for him to listen to a mediation which, in any other circumstance, would be infinitely agreeable to him.

These answers, though of a dilatory nature, may be looked upon as an eventual acceptation of the mediation. The minister observed that it will be, in effect, difficult to avoid it. That a refusal will not be consistent with the dignity of the two powers that have offered their interposition. That the king is obliged, from friendship and good policy, to treat them with attention. He further observed, that the demands of the king of France will be so just and so moderate, that they might be proposed to any tribunal whatever. That the only reason the king could have to suspend a formal acceptation is, that, at the time the offer was made, he was not acquainted with the intentions of his allies, namely, Spain and the United States.

The minister observed to the committee, that, in his opinion, this conduct must afford Congress a new proof

of the perseverance of the king in the principle of the alliance, and of his scrupulous attention to observe his obligations; he added that, however, it is not without inconveniency that this dilatory plan has been adopted. The distance between the allied powers of France and the United States has obliged the Court of Versailles to adopt that plan, though liable to inconveniences, in order to conform to the engagements made by the treaties to determine nothing into a negotiation without the participation of Congress. Besides, several states being invaded by the enemy, the French council thought it inconvenient to begin a negotiation under these unfavourable circumstances. And being in hopes that the diversions made by the king's arms will prevent the British from making very great exertions against the thirteen United States, the French ministry expected that during the course of the present campaign they might be enabled to present the situation of their allies in a more favourable light to the Congress that might assemble for peace. These delays, however, cannot with propriety take place for any long time; and it was the opinion of the French ministry that it would be contrary to decency, prudence and the laws of sound policy again to refuse listening to the propositions of peace made by friendly powers; for which reason the Chevalier de la Luzerne was directed to lay all these facts confidentially before Congress. The minister informed the committee that it was necessary that the king should know the intentions of the United States with regard to the proposed mediation; and that his Majesty should be authorised by Congress to give notice of their dispositions to all the powers who would take part in the negotiation for a pacification. The minister delivered his own opinion, that he saw no inconveniency arising from the Congress imitating the example of the king,

by showing themselves disposed to accept peace from the hands of the Emperor of Germany and the Empress of Russia. He added, that Congress should rely on the justice and wisdom of those two sovereigns; and at the same time, he renewed the assurances that his Majesty will defend the cause of the United States as zealously as the interests of his own crown. He informed the committee that, according to all accounts, the British ministry were removing as far as possible, in this negotiation, every idea of acknowledging the independence of what they call their thirteen colonies; and he said that Congress would judge by themselves that the court of London would debate with the greatest energy and obstinacy, the articles relating to America. He availed himself of this reflection to impress the committee with the necessity Congress are under of securing in their favour the benevolence and good will of the mediating powers, by presenting their demands with the greatest moderation and reserve, save independence, which will not admit of any modification. He further observed, that it was possible the difficulty of making a definitive peace might engage the mediators to propose a truce; and that it was necessary therefore to authorise eventually the plenipotentiary of the United States to declare their intention thereon.

He further observed that whatever might be the resolution of Congress, they would do well to recommend to their plenipotentiary to adopt a line of conduct that would deprive the British of every hope of causing divisions between the allies, and to assume a conciliating character as much as can be consistent with the dignity of his constituents, and to show such a confidence in the plenipotentiary of his Most Christian Majesty as is due to a power so much interested to support the dignity

and honour of a nation whose independence they have acknowledged.

The minister told the committee that whatever might be the resolution of Congress respecting a peace or a truce, it was necessary to carry on the war with the utmost vigour. He urged reasons too well known to Congress to be related.

He desired the committee to inform Congress, that in case the offer of mediation from the two imperial courts should become so serious and so pressing as to oblige the king to give a decisive answer, his Majesty would accept of it conditionally for himself and for the United States. The taking this resolution would have no inconvenience, as the Court of France knew no reasons which could prevent them from following the example of the king by trusting their interests into the hands of just and wise mediators, and the refusal being liable to very dangerous consequences. The minister concluded the conference by observing, that a great object was to secure the United States from the proposition of *uti possedetis*: that the surest way to obtain that end was to reduce the English to confess that they are not able to conquer them. That present circumstances require great exertions from the Confederation; and that it was plain that every success gained by the army of Congress would infinitely facilitate the negotiations of their plenipotentiaries:

The Committee have not yet finished their conference with the Minister of France, and will have a further communication to make to Congress.¹

Ordered, That it be re-committed that the committee may report thereon.

¹ The report of May 28, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 25, I, folio 203; it is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 453.

The king's letter, Luzerne's memorials, and the report of May 28, were entered only in the manuscript Secret Journal, Foreign Affairs, under date of May 29.

On motion of Mr. [George] Walton:

Ordered, That he be excused from farther attendance at the Board of Treasury, and that another member be appointed in his room:

The member, Mr. [William Churchill] Houston.

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [Theodorick] Bland,

Ordered, That the Medical Committee be discontinued, and that the Committee lodge with the Board of War all the returns and papers in their possession, and then be discharged; and that the business heretofore entrusted to them, and the powers with which they were invested, be transferred to the Board.

A report from the Board of Treasury was read, stating, that "in consequence of the act of 5th September last, certificates of certain denominations to the amount of one million dollars, were printed and signed: that by the act of the 26th April last, the certificates aforesaid being directed to be issued for balances of accounts liquidated in specie value, it became necessary to print other certificates blank, in order that the precise balances might be filled up;" Whereupon,

TREASURY OFFICE *May 28th 1781*

The Board of Treasury beg leave to inform Congress that in Consequence of the Act of the 5th Sep^r last, for loaning one Million of dollars, Certificates of certain Denominations were printed and signed. That by the act of the 26th of April following, the certificates afo^r were directed to be issued for Balances of Acc^{ts} liquidated in specie value, which made it necessary to print other Certificates blank in order that the precise Balances might be filled up and which was accordingly ordered; but the Treasurer of loans having refused to sign them, unless the Denominations are first fixed, the Execution of those Acts are delayed and several Persons are waiting for their Certificates. If Congress agree with the Board, that other Certificates are necessary, they will please to order, that the Treasurer of Loans, sign such other Certificates under the Act of the fifth of September and 26th of April last and of the 7th and 22^d Instant, as the Board of

Treasury shall direct, the amount of the respective balances being sent with such direction and first inserted.¹

Ordered, That the treasurer of loans sign such other certificates, under the act of the 5th of September, 1780, and 26th of April last, and of the 7 and 22 instant as the Board of Treasury shall direct, the amount of the respective balances being sent with such directions, and first inserted, such certificates to be countersigned by the commissioner of the continental loan office where the claimant or claimants may choose to have the interest made payable.

On motion of the delegates of Pennsylvania,

Resolved, That Tench Francis be added to Mr. Thomas Smith and Mr. Richard Bache; and that any one of them be authorised, on behalf of the United States, to sign the bills of credit issued by the Commonwealth of Pennsylvania, pursuant to the act of Congress of 18 March, 1780.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MAY 29, 1781

A letter, of 10th, from the governor of Virginia, was read:

Ordered, That it be referred to the Board of War.

A letter, of 18, from D. Ross, agent for the State of Virginia, was read:²

Ordered, That so much thereof as relates to money be referred to the Board of Treasury to take order; and that so much thereof as relates to arms, &c., be referred to the Board of War to take order.

The committee of the week delivered in a report; Whereupon,

Ordered, That the letter of the 9th, signed by A. Fowler and others, at Pittsburg, be transmitted to the Commander

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 339.

² The Virginia letter is in the *Papers of the Continental Congress*, No. 71, II, folio 109; Ross's is in No. 78, XIX, folio 371.

in Chief, with the other papers respecting the conduct of the commanding officer of that post;

That the letter, of 28, from Captain J. P. Jones, with the journal accompanying it, be referred to ~~the Board of Admiralty~~ a committee of three:¹

The members, Mr. [James Mitchell] Varnum, Mr. [John] Mathews, Mr. [George] Clymer;

That the petition of Captain Lieutenant A. Dow be considered when a report from the Board of War on the subject thereof, now before a committee of the house, shall be reported upon and considered;

That the letter, of 26, from E. Blaine, commissary general of purchases, be referred to the same committee to whom his late letters have been committed;

That the letter, of 28, from Resolve Smith, one of the commissioners of the chambers of accounts, lie to be considered when a secretary of ~~the Admiralty~~ marine and other officers in that department are to be appointed.²

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *May 29th 1781*

The Board of Treasury beg leave to report.

That upon the recommitment of the report of the Board dated the 17 instant upon the accounts of the Select-Men of Springfield they have considered the entry upon the journals of Congress dated the 11 Feby 1779, of a letter from J. Powell President of the Council of Massachusetts Bay referred by Congress to the Commander in Chief; directing that the persons accused of Misdemeanors be brought to Courts Martial; which entry aforesaid does not mention, on what particular subject the said letter from J. Powell was written; but the Board are induced to believe it goes to the present case acted upon by the Select-Men of Springfield. Whereupon the following order is submitted:

¹ The Fowler letter is in the *Washington Papers*, 96, folio 301; Jones's letter is in the *Papers of the Continental Congress*, No. 168, I, folio 474.

² This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 32, folio 163; Dow's petition, dated May 29, is in No. 41, II, folio 465; Smith's letter is in No. 78, XXI, folio 69.

Ordered, That the sum of two hundred and twenty-four dollars, sixty-three ninetieths and six-eighths specie value, being due to certain claimants for attending a court-martial upon the trial of Colonel Mason, Colonel Smith, and Major Eayers, as presented by the select men of Springfield, be passed to the credit of the State of Massachusetts; and that the Board of Treasury furnish the executive of the said State with a copy of this order, that the several claimants may receive payment from the said State.

Ordered, That on the application of Mr. [William] Sharpe, one of the delegates for the State of North Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for eight hundred dollars of the new emission, for which the State of North Carolina is to be accountable.¹

A report of the Board of War was read:

WAR OFFICE *May 29. 1781*

The Board beg leave to report

That a warrant for three months pay in bills of the new emission be drawn by the Board of War on the paymaster General in favor of Major Wyllis of the 3^d Connecticut Regiment.²

Ordered, That it be re-committed to the Board to take order for the payment of three months' pay to Major Wyllis of the 3d Connecticut regiment.

Another report from the Board of War was read; Whereupon,

WAR OFFICE, *May 28th 1781*

SIR,

The Board have the honor to enclose Congress an estimate of Colonel Miles for £225 specie equal to £1125, of the new emissions for the purpose of transporting five hundred stand of arms to Virginia for the new levies of that State.

As it is of great consequence the arms should be sent on without delay, the Board request Congress will be pleased to resolve,

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 343.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 205.

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Colonel S. Miles, deputy quartermaster, for three thousand dollars in bills of the new emission, to enable him to send forward five hundred stand of arms to the State of Virginia, this warrant to have preference to any other not specially directed in payment.¹

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favor of J. L. Clarkson, ~~Secretary~~ clerk to the Board of Treasury, for five hundred dollars of the new emissions to defray the contingent expences of the treasury office, for which sum he is to be accountable.²

Two motions were made by Mr. [Theodorick] Bland:

Ordered, That they be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Samuel John] Atlee, Mr. [Theodorick] Bland.

The report of the committee to whom was referred the report of the Board of Treasury on the accounts of Arthur Lee was taken into consideration:³

Ordered, That the Board of Treasury open in their books an account under such title as the secretary of Congress shall point out, and credit the said account by Arthur Lee, Esquire, for three hundred and seventy-five thousand livres tournois paid to him for the account of the United States, with which sum Mr. A. Lee is to be debited.

The Committee to whom was referred the Report of the Board of Treasury on the Honorable Arthur Lee's Accounts, Report.

That they have conferred with Mr Lee on the subject committed to them, upon which Conference he disclosed to the Committee the

¹ This report is in the *Papers of the Continental Congress*, No. 148, I, folio 383.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 341.

³ The orders relating to Mr. Lee's accounts were also entered in the manuscript Secret Journal, Foreign Affairs.

source from whence he received the three hundred and seventy-five thousand French Livres stated in the account from the Board of Treasury to have been from persons unknown which disclosure in his own hand writing is annexed to this report, and the Committee Refer thereto, and they beg leave to recommend that the Secretary devise a Cypher in which the name of the account to be credited for the said sum by M^r Lee shall be entered upon the Treasury Books, and that the original paper from M^r Lee be kept secret.

With respect to the authority by which he acted M^r Lee alleges, that he was empowered jointly with Doctor Franklin and M^r Deane, to procure money and supplies in the best manner he could and to transmit the proceeds to America; that the papers witnessing such powers are in the hands of one or other of his late colleagues and not in his power at present; whereupon your Committee recommend that the Board of Treasury be informed that Congress are satisfied as to the authority by which M^r Lee procured and expended money, and therefore that the Board dispense with his producing any evidence thereof.

With respect to the deficiency of vouchers, M^r Lee alleges that the mode of transacting the business was as follows.

~~He gave orders for the supplies, and directed the accounts to be produced to the banker in whose hands he had lodged the money he had received; that the banker paid the several accounts and charged them to his debit.~~

~~That he ordered the supplies thus provided and paid for to be shipped by Merchants residing at the convenient sea ports who transmitted to him Invoices and bills of lading, and also transmitted Duplicates to the Consignees in America.~~

~~That upon receiving such Invoices and bills of Lading he gave orders for the payment of the bills drawn for the shipping expences &c. which the banker performed and charged to his debit.~~

All payments were made by the Bankers and the shipping performed by Merchants residing at the Ports.

The latter transmitted Invoices and bills of lading to him and the Consignees in America and the former accounted for monies for which they gave credit, by the payment of particular accounts which with the receipts they preserve.

That he supposing that the Consignee had all such Invoices and bills of lading, was not very careful to bring with him every one of those papers which came to his hands in Europe but supposes he can supply the deficiencies in his own papers from the receipts or other documents which shew the arrival of the supplies.

That in the settlement of Mr. A. Lee's accounts, the Board of Treasury admit as vouchers, bills of lading and invoices, which shew that merchants of character have shipped the contents ~~and obliged themselves to prove, if ever required, that the invoice is just in all particulars, and to make good all deficiencies which may be found in the original pack-~~ings: where such cannot be produced, that they admit receipts or other papers which charge the consignee or other competent person at the port of delivery: that they admit the banker's accounts which charge the bank with the credit given for cash deposited, and undertake, if required, to vouch the particular payments which are entered to Mr. Lee's debit, as commissioner of the United States: and where no vouchers under the foregoing descriptions are produced, that the account be left open in order to give an opportunity for completing the vouchers:

That the account of expences be stated so as to distinguish between ordinary and extraordinary; that the latter be stated particularly for the consideration of Congress, giving credit for the articles delivered up to the public at first cost, and that the former be stated generally, and that no other voucher be required for either than the word of honor of the said A. Lee, late minister:

That with respect to the charge for moneys disbursed on account of the State of Virginia, it be admitted to Mr. Lee's credit, whenever the State of Virginia shall signify that they admit themselves to be debited therewith.¹

Adjourned to 10 o'Clock to Morrow.

¹ This report, signed by Thomas Burke and Abraham Clark, and in the writing of Burke, is in the *Papers of the Continental Congress*, No. 31, folio 313.

WEDNESDAY, MAY 30, 1781

A letter, of 20 March, from the honorable J. Laurens was read:¹

Ordered, That it be referred to the committee to whom was referred the memorial, of 25, from the honorable minister plenipotentiary of France.

A report from the Board of War was read; Whereupon,

Ordered, That the Board draw a warrant on the paymaster general, in favour of Major General Gates, for five hundred dollars in bills of the new emissions, equal to three months' pay, for which sum he is to be accountable;²

That the Board also draw a warrant on the paymaster general, in favour of Thomas Jones, deputy field commissary of military stores to the main army, for two hundred and ten dollars new emissions, equal to three months' pay, for which sum he is to be accountable.³

The committee to whom were referred the motions of Mr. [Theodorick] Bland delivered in a report.

A motion was made by Mr. [John] Mathews:

[Whereas the period assigned by the act of the 18th of March 1780 for calling in and cancelling the Bills of Credit emitted by Congress prior to that date, hath long since elapsed, and a great proportion of the said Bills is notwithstanding through the remissness of the States in sinking their respective quotas, still left in circulation whereby the public is deprived of the use of the $\frac{1}{10}$ of the new bills issuable pursuant to the act aforesaid in place thereof, to the great prejudice of the public service, ordered that warrants be drawn on the Commissioners of the several Loan offices] for the full amount of the said four tenths. And that the Commissioners of the said Loan offices cause new bills to the amount of the said $\frac{1}{10}$ to be perfected with all possible expedition in order to answer the draughts made upon them, and that they deliver no more of the $\frac{1}{10}$ to their respective States

¹ This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 317.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 207.

³ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 217.

until the $\frac{1}{10}$ are paid, and thereafter not until the States shall have delivered and cancelled old Bills, to the amount of twenty times the nominal sum of the said $\frac{1}{10}$ after which they are to deliver to the respective States what remains of the new bills as fast and no faster than old Continental bills are by them respectively brought in and cancelled at the rate of 20 of the latter for one of the former.¹

Ordered, That it be referred to a committee of four:

The members, Mr. [William Churchill] Houston, Mr. [John] Sullivan, Mr. [Theodorick] Bland, Mr. [John] Mathews.

The Board of Admiralty, to whom was referred the memorial of Joze da Fonseca Soarez de Figuerido, report,

ADMIRALTY OFFICE *May 29th 1781.*

The Board of Admiralty to whom was referred the memorial of Joze da Fonseca de Figuerido, relative to the capture of a Brigantine called *Nossa Senhora de Leiramento* taken by the Privateer *Mars* of Massachusetts, Commanded by Captain Sampson beg leave to Report to the Honorable the United States in Congress assembled as their opinion,

That the proper mode for the memorialist to obtain redress of any injuries he may have sustained, either in his property or person, from Captain Sampson, is by prosecution in due course of law; and that a letter should be written by the President to the supreme executive of the State of Massachusetts, enclosing a copy of the said memorial, and a copy of the proclamation issued by Congress, May 9, 1778; and recommending to the said executive to give all such countenance, protection and assistance to the memorialist, in his attempts to obtain legal satisfaction for the injuries alleged in his memorial to have been done to him personally and in his property by Captain Sampson, as becomes the United States respectively to give to the subjects of neutral powers, who shall complain of a violation of the rights of neutrality.

The Board have the honor to acquaint the United States in Congress assembled, that they are informed by the late Captain of the *Protector*

¹ This motion is in the *Papers of the Continental Congress*, No. 26, folio 299. The portion in brackets is in the writing of James Madison; the rest in that of John Mathews.

a State Ship belonging to the State of Massachusetts, lately captured and carried into New York, that the *Mars* Commanded by Capt: Sampson is a State Ship of the same State, and that both their Commissions issued immediately from and were signed by the Governor of said State and not by the President of Congress. The Board have mentioned this circumstance, not because they entertain any the most distant idea that the *Mars* belonging to the State of Massachusetts, and being Commissioned by the Governor of that State, might influence the conduct of the Supreme Executive thereof with respect to the memorialist, but because the Board humbly conceive that Commissions issuing from different Fountains of Power is a matter which may merit the attention of the United States in Congress assembled, who are the Supreme power of War and Peace.¹

Resolved, That Congress agree to the said report:

Ordered, That the remainder of the report be referred to a committee of three:

The members, Mr. [Thomas] Bee, Mr. [George] Clymer, Mr. [Daniel of St. Thomas] Jenifer.²

The report of the committee on the motions of Mr. [Theodorick] Bland was taken into consideration, and after debate:

Ordered, That it be re-committed, and that the committee confer with the Board of War.

A letter, of this day, from Colonel D. Broadhead, was read:³

Ordered, That it be referred to the Board of War.

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 467.

² When the report of the committee was submitted is not stated in the *Journal* nor upon the report. It is in the *Papers of the Continental Congress*, No. 37, folio 469, and is in the writing of Thomas Bee:

The Committee to whom that part of the report of the Board of Admiralty of the 29 Instant which relates to Commissions for Ships and Vessels of War Issuing from different fountains of Power,

Report

That it appears very clearly from the 6th Article of the Confederation that after a declaration of War by the United States in Congress assembled each State has a power to grant Commissions to any Ship or Vessel of War under such regulations as shall be established by the United States in Congress assembled; Therefore that the only step necessary to be taken at present, will be for the Board of Admiralty to transmit to the Executives of the several States copies of the Regulations now in force for the purposes aforesaid as a rule to be observed by them in issuing such Commissions in future.

³ This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 221.

A report from the Board of War was read; Whereupon,

WAR OFFICE *May 30, 1781.*

SIR

Mr. Christie Surgeon of the first regiment of artillery, being now in town and unable to join his regiment, for want of money, the Board beg leave to report:

Ordered, That the Board of War draw a warrant on the paymaster general, in favour of Thomas Christie, surgeon of the 1st regiment of artillery, for three months' pay;¹

WAR OFFICE *May 30. 1781*

SIR,

The Board have considered the papers from M^r Ross Agent for the State of Virginia, referred to them to take order on, and beg leave to enclose M^r Hodgdon's estimate of the money, which it will be necessary to advance after making considerable deductions from the list of articles furnished by the Agent.

They therefore beg leave to report

That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, in favor of Samuel Hodgdon, assistant commissary general of military stores, for eleven thousand two hundred and sixty-six dollars and two-thirds of a dollar, in bills of the new emission, for the purpose of furnishing arms and other articles for the use of the State of Virginia, the said Samuel Hodgdon to be accountable; and that the supplies furnished be charged to the said State of Virginia.²

A letter, of 24th, from Major General the Marquis de la Fayette, was read:³

Ordered, That it be referred to the Board of War.⁴

Adjourned to 10 o'Clock to Morrow.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 209.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 211.

³ This letter is in the *Papers of the Continental Congress*, No. 156, folio 141.

⁴ A letter from the Board of War, of this day, relative to relief of Americans, prisoners of war, was read, as the indorsement indicates. It is in the *Papers of the Continental Congress*, No. 148, I, folio 389.

THURSDAY, MAY 31, 1781

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE, *May 30th, 1781.*

Upon the recommitment of the report of the Board dated the 24th instant in favor of the Paymaster General the following order is submitted:

Ordered, That a warrant issue on John Pierce, paymaster general, in favour of Cha Pettit, assistant quartermaster general, on account of Colonel T. Pickering, quartermaster general, for twenty-one thousand two hundred and fifty-three dollars and one third of a dollar in the new emission issued by the eastern states, and which, by the representation of the paymaster general, is now at head quarters for the purpose of paying the troops to the southward under the command of Major General the Marquis de la Fayette, for which sum the said Colonel T. Pickering, quartermaster general, is to be accountable; and in order to replace the said sum that a warrant issue on John Hopkins, commissioner of the continental loan office for the State of Virginia, in favour of the paymaster general, for 21253 30/90 dollars new emission, for the purpose of paying four months' pay to the Connecticut, Rhode Island and New Hampshire lines, the corps of artillery, sappers and miners now to the southward as aforesaid, agreeably to the estimate of the said paymaster general, for which sum he is to be accountable.

Upon the Memorial of Benjamin Armitage referred by Congress the Board beg leave to report

That the Memorialist did obtain a Warrant for specie Value payable in the new Bills, as he sets forth which the Board believe is unpaid, but as they cannot undertake to say, what additional Compensation shall be paid to the Memorialist, or alter the value of the new Bills compared with Specie, they cannot report thereon, otherwise than to request, that they may be instructed at what rate to compare the said Bills with Coin.

The Board beg leave further to report,

That on the application of the honorable the delegates for the State of Virginia, upon an estimate furnished by George Nicholson for David Ross, agent for the said State, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favor of the said George Nicholson, for ten thousand dollars of the new emission, for the purpose of paying for the repairs of arms and other purposes in the said estimate set forth, the said State of Virginia to be accountable.¹

This to have preference to all others not specially directed in payment.

The committee, ||consisting of Mr. Varnum, Mr. Atlee, Mr. Bland,|| to whom was re-committed their report on the motion of Mr. [Theodorick] Bland; and who were directed to confer with the Board of War, delivered in a report; Whereupon, it was resolved as follows:

Whereas the British King Regardless of the rights of mankind and of the United States in particular, continues the ravages of War with relentless fury, and whereas the enemy's force is principally operating in the States of Virginia, the Carolinas and Georgia and ~~whereas the deficiencies of the Continental regular lines~~ make it necessary to call forth a respectable body of Militia ~~until these lines be completed~~; it is therefore earnestly recommended to the State of Pennsylvania immediately to raise, arm, accoutre and equip for the field ~~two thousand, one brigade of infantry consisting of~~ four battalions of Infantry, each battalion to consist of nine companies of sixty four rank and file each; also a company of Artillery consisting of thirty two matrosses, and a Corps of horse consisting of sixty four troopers, each Corps to be officered as near as may be to similar Corps in the Continental Army according to the establishment of the third and 21st of October A. D. 1780. It is also earnestly recommended to the State of Delaware to immediately raise, arm, equip and accoutre for the field one battalion of Infantry, consisting of nine Companies of sixty four rank

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 347.

and file each, and a Corps of Horse consisting of thirty two troopers to be officered in manner aforesaid, and it is ~~also earnestly~~ recommended to the said states of Pennsylvania, Delaware, and Maryland to cause the said troops as soon as raised, armed, accoutred, and equipped as aforesaid to be marched by detachments or otherwise to such ~~parts of the states of Maryland or Virginia~~ place or places as the Commander in Chief shall direct, to remain in service for and during the space of three months from the times of their respectively rendezvousing ~~in either of the states last mentioned~~, and be subject to the orders of the said Commander in Chief; it is also earnestly recommended to the State of Maryland, immediately to raise, arm, equip, accoutre for the field, ~~three~~ 2 battalions of Infantry consisting of nine Companies of sixty four rank and file each, and a Corps of Cavalry, 64 troopers, to be officered in the manner aforesaid and rendezvous at such place as the Commander in Chief shall direct so as the more effectually to cover the said State of Maryland from the invasions of the enemy, and to act in conjunction with the Army in Virginia ~~when consistent with their first mentioned object~~ if found necessary, these troops to continue in service three months from their times of rendezvous respectively. Be it ordained by the United States in Congress Assembled that the troops aforesaid shall receive the same pay, rations and subsistence as troops of the Army of the United States.

Your Committee not having gone thro' the Report on the papers committed to them beg leave to sit again.¹

Whereas the British king, regardless of the rights of mankind, and of the United States in particular, continues the ravages of war with relentless fury; and whereas the enemy's force is principally operating in the states of Virginia, the Carolinas and Georgia; and whereas the deficiency of the continental regular lines, ~~and it is found~~ makes it absolutely necessary to call forth a respectable body of militia, ~~as an aid to the regular troops now employed~~ till those lines be

¹ This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 31, folio 271. The final paragraph is in the writing of Theodorick Bland.

completed; it is therefore earnestly recommended to the State of Pennsylvania, immediately to raise, arm, accoutre and equip for the field, four battalions of infantry, each battalion to consist of nine companies of sixty-four rank and file each: also a company of artillery, consisting of thirty-two matrosses; and a corps of horse, consisting of sixty-four troopers; each corps to be officered as near as may be to similar corps in the continental army, according to the establishment of the 3d and 21st of October, 1780. It is also earnestly recommended to the State of Delaware, to immediately raise, arm, equip and accoutre for the field, one battalion of infantry, consisting of nine companies of sixty-four rank and file each; and a corps of horse, consisting of thirty-two troopers; to be officered in the manner aforesaid. It is also earnestly recommended to the State of Maryland, immediately to raise, arm, equip and accoutre for the field, two battalions of infantry, consisting of nine companies of sixty-four rank and file each; and a corps of cavalry of sixty-four troopers; to be officered in the manner aforesaid. And it is farther recommended to the States of Pennsylvania, Delaware and Maryland, to cause the said troops, as soon as raised, armed, accoutred and equipped, as aforesaid, to be marched by detachments or otherwise, to such place or places as the Commander in Chief shall direct, to remain in service for and during the space of three months, from the time of their respectively rendezvousing at the place or places directed, unless sooner discharged by Congress or the Commander in Chief, and to be subject to the orders of the said Commander in Chief. And be it ordained by the United States in Congress assembled, that the troops aforesaid shall receive the same pay, rations and subsistence, as the troops of the army of the United States.

Adjourned to 10 o'Clock to Morrow.

FRIDAY JUNE 1, 1781

A letter, of 27 May, from General Washington, was read:¹ *Ordered*, That it be communicated to the Board of War, and that the Board take order so far as respects the corps of invalids.

The committee to whom was referred the memorial of the honorable the minister plenipotentiary of France reported the draught of a letter to the executives of the states, which was agreed to.²

The committee, consisting of Mr. [Daniel] Carroll, Mr. [Joseph] Jones, Mr. [John] Witherspoon, Mr. [John] Sullivan, Mr. [John] Mathews, to whom were referred the memorials of 25 and 26 April [May], from the minister of France, and who were instructed to confer with him and receive further communications, reported the draft of a letter to the several states, which was agreed as follows:

June 1, 1781.

SIR,

I am directed to inform you that Congress have received undoubted intelligence, both from their minister at the Court of Versailles, and the minister of France in America, by order of his Court, that the Courts of Vienna and Petersburg have offered their mediation to the belligerent powers for the re-establishment of peace; that these overtures have been eagerly embraced on the part of Great Britain; that France had declined her full acceptance thereof until the concurrence of her allies could be obtained for that purpose; that France at the same time observes that should she again be

¹ A draft of this letter is in the *Washington Papers*, A, VI, Pt. I, 99; it is printed in *The Writings of Washington*, (Ford), IX, 259.

² This paragraph was also entered in the manuscript Secret Journal, Foreign Affairs.

pressed on this head, she would be obliged to enter into a previous plan of negotiation conditionally for herself and allies; that Spain had answered in such a manner to the proposals of the mediating powers as to show her eventual acceptance.

~~Thus are we likely to have obtruded upon us by the intervention of two such formidable powers the hard necessity of acceding to these overtures at a time when these states are in a less eligible situation to enter into negotiations for peace, than at any other period of the war.~~

[The intervention of such formidable powers will undoubtedly prove an event the most favourable to these United States, if by a great and timely exertion we sufficiently reduce the force of the enemy now operating in our country. But should languor and inaction subject us to the contempt of the negotiators, all the consequences will be chargeable upon ourselves.] This therefore is a conjuncture that calls for the most serious consideration of these states.

~~It is therefore become a question, whether we are determined to support this union upon the true principles of the confederation, by rejecting every idea of a diminution or not. If the first is to obtain Congress are decided in their opinion that there is not a~~

Congress have not a doubt in their minds but that each State in the union is determined to support the Confederacy that has been so solemnly entered into, through every difficulty, and hand it down unimpaired to their posterity. Under these impressions Congress can with confidence call on their constituents for such exertions as are proportionate to the truly critical situation of our affairs. [The plan of operations for the present campaign having been preconcerted on the principle of obliging the enemy to abandon their possessions in every part of these states,] an unequivocal

compliance with the demands heretofore made by Congress for provisions, men, and money, is what we have at present to ask for. Should these means be expeditiously and punctually put into our hands, we have the most pleasing prospect of putting a speedy and happy issue to the war, by driving the enemy from their present possessions in every part of these states, or at all events to confine them to the seacoasts, in order to give as little room as possible to the enemy's claim of *uti possidetis*; which will undoubtedly be most strenuously insisted on by them in the course of the negotiation—a claim totally inadmissible on our part. Of course, then, nothing should be left unessayed by these states to prevent the embarrassments that such a claim must inevitably produce; and of consequence it is become indispensably necessary by our immediate and, under Providence, successful efforts, to place ourselves in such a situation as to enable our negotiators to speak a firm and decided language, becoming the character of the ministers of free, sovereign and independent states.

We conclude with observing, that from the foregoing communications we are so thoroughly convinced of the most strenuous exertions of every State in the union to accomplish the great objects herein pointed out, that Congress will immediately proceed to carry into full execution their plans adopted for defeating the ambitious views of our enemy, and be prepared to accept of peace upon no other terms than the independence of the thirteen United States of America in all its parts.¹

¹ This letter was entered only in the manuscript Secret (Domestic) Journal. The draft is in the writing of John Mathews, except the portion in brackets which is in Charles Thomson's hand, and is in the *Papers of the Continental Congress*, No. 25, I, folio 209.

On motion of Mr. [William Churchill] Houston, seconded by Mr. [James Mitchell] Varnum:

Resolved, That no person whatsoever be permitted [to take copies or extracts from the Secret Journal, or from any papers directed by Congress to be entered therein, or from any papers with respect to which secrecy is enjoined, or to require from the secretary such copies or extracts, without the permission of Congress.]¹

The Board of Admiralty;

The committee on the motion of Mr. [John] Mathews; and

The Committee to whom was referred the motion of Mr. Mathews have conferred (according to order) with the Superintendant of Finance, who gave it as his opinion that it was absolutely improper to adopt the measure proposed in the said motion, as it would not only be unavailing but an unjustifiable breach of public faith, and that it was his opinion that no reliance could be had on paper money, on its present footing, for the purpose of effectually carrying on the war, and that it would greatly tend to establish the credit and restore the state of the finances to suppress the issuing of the money not already issued under the resolution of the 18th of March, 1780, if such a measure was practicable, and immediately to call for taxes in specie in lieu thereof; in which sentiment your Committee concur, and therefore beg leave to report the annexed resolution:

Resolved that the Board of Treasury issue orders immediately to the respective Loan Officers to cease to emit any more of the paper money intended to be emitted under the resolution of the 18th of March 1780 and that they make an immediate return respectively to the said Board (to be laid before Congress) of all the money issued under the said resolution and of the old emissions destroyed and taken out of circulation.

And whereas Congress find it absolutely impracticable to arrange the Finances of these United States, on the present system of paper money and that those means are found inadequate to the pur-

¹ This paragraph was also entered in the manuscript Secret (Domestic) Journal. The passage in brackets was entered in the Public Journal by George Bond.

poses of carrying on the war to effect and whereas Congress have good reason to suppose that a time is now arrived when moderate taxes may be received from the people to enable Congress to act with a vigor adequate to the necessity in which these States find themselves for vigorous operations at this alarming and critical juncture.

Therefore Resolved, That one million of Dollars in specie be levied on the several States in the following Quotas viz.

To be paid into the Continental Treasury, to the order and subject to the control of the Superintendant of Finance on or before the 1st of Jan^r 1782, in gold, silver or copper coin.¹

The committee on the memorial of Baron d'Arendt: delivered in their several reports.

The Committee to whom was referred the Memorial of Baron D'Arendt beg leave to report that upon principles of justice as well as of good policy the Baron ought to retain his rank in the Army: and therefore submit the following Resolution:

Resolved, That the Baron D'Arendt be considered as a retiring Officer upon half pay and that he be entitled to full pay to the 1st day of January last.²

TREASURY OFFICE *June 1st 1781*

That on the application of Patrick Ferrall clerk in the Auditor General's Office, a warrant issue in his favor on Thomas Smith, Commissioner of the Continental Loan Office for the State of Pennsylvania for two hundred and thirty four dollars of the new emission, being on account of a quarter's salary due since the settlement of the accounts of the civil officers. The Board beg leave to submit the application of Mr Ferrall to the particular consideration of Congress.³

Adjourned to 10 o'Clock to Morrow.

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 26, folios 299 and 297. It is in the list of postponed reports in No. 31, folio 371.

² This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 147, VI, folio 87. See June 26 on which date it was recommitted.

³ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 351. It was not acted on, apparently.

SATURDAY, JUNE 2, 1781

The committee of the week delivered in a report; Whereupon,

On the petition of Thomas Davis dated the 29th of May last, that the petitioner be informed his application ought to be made to the government of Pennsylvania.¹

Ordered, That a letter, of 30 May, from Cha Pettit, assistant quartermaster general, be referred to the Board of Treasury;

That the petition of the Continental artificers at Carlisle be referred to the Committee appointed the day of last who have the subject which it refers to under consideration.

That a petition of Mary Mathews be referred to the Board of War;

That a memorial of Colonel Hazen be referred to a committee of three:²

The members, Mr. [Artemas] Ward, Mr. [John] Sullivan, Mr. [Isaac] Motte;

That the letter of J. D. Schweighauser with his account against the United States for necessaries furnished Captain Landais of the Continental Frigate *Alliance* at Nantes be referred to a special Committee the Board of Admiralty.

That a letter of J. D. Schweighauser, of November 30, 1780, be referred to the Board of Admiralty;

That a letter, of 1, from G. Risberg, be referred to the Board of Treasury.³

The committee on the letter from Captain J. P. Jones; and

The committee on the memorial of the minister of France; delivered in their reports.

¹ This petition is in the *Papers of the Continental Congress*, No. 42, II, folio 297.

² This memorial, dated May 31, 1781, is in the *Papers of the Continental Congress*, No. 42, III, folio 409.

³ This report, in the writing of William Few, is in the *Papers of the Continental Congress*, No. 32, folio 165. Schweighauser's letter is in No. 78, XX, folio 597; Risberg's letter is in No. 147, V, folio 243.

A report from the Board of War on a letter from C. Pettit, assistant quartermaster general, was read:

WAR OFFICE May 31. 1781

SIR

We have the honor to lay before Congress sundry papers communicated by the Assistant Quartermaster General, but not being furnished with estimates we cannot ascertain the sum necessary. They will however serve to shew the destitute situation of the Department and the urgent necessity there is for supplies.¹

Ordered, That the same be referred to the Board of Treasury.

A report from the Board of War was read; Whereupon,

WAR OFFICE June 1. 1781

SIR,

The Board have considered the reference from Congress in the case of John Townes and Richard Worsham, and are apprehensive that a general resolution would create so many demands as might be eventually inconvenient in our present situation—if Congress are of the same sentiments they will be pleased to resolve

Ordered, That the Board of War draw warrants on the paymaster general in favour of Lieutenants Worsham and Townes, for three hundred and eighty dollars each, in bills of the new emissions, for which sum they are to be accountable, any resolution to the contrary notwithstanding.²

On motion of Mr. [William Churchill] Houston, seconded by Mr. [Samuel John] Atlee,

Resolved, That all bills of credit which issue in pursuance of the act of the 18 March, 1780, in any of the states, after the expiration of one year from the time the interest on such bills begins to be computed, be marked by writing or stamping before they are issued, with the words or characters, "Int. pd. 1 year."

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 223.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 261.

That such of the said bills as have already issued, or may issue in the course of a year from the time interest begins to be computed on them, be, when such interest is paid, stamped marked in like manner, to prevent the necessity and expence of exchanging them:

That where any State has adopted similar adequate provisions, these shall not operate:

That the several states suspend, as far as possible, the issuing of such part of their respective quotas of the said bills as remain to be issued.

On the question to agree to this last, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jones,	ay	} ay
Livermore,	ay		Madison,	ay	
<i>Massachusetts,</i>			Bland,	ay	
Mr. Lovell,	ay	} ay	<i>North Carolina,</i>		
Ward,	ay		Mr. Sharpe,	ay	} ay
<i>Rhode Island,</i>			Johnston,	ay	
Mr. Varnum,	ay	} *	<i>South Carolina,</i>		
<i>Connecticut,</i>			Mr. Mathews,	no	} ay
Mr. Huntington,	ay	} *	Bee,	ay	
<i>New Jersey,</i>			Motte,	ay	
Mr. Houston,	ay	} *	Eveleigh,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Atlee,	ay	} ay	Mr. Few,	ay	} ay
Clymer,	ay		Howly,	ay	
<i>Maryland,</i>					
Mr. Jenifer,	ay	} *			

So it was resolved in the affirmative.

A motion was made, that after the word "issued" be added the words, "until further measures be taken to secure their value."

On the question to agree to this, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	no	} no	Mr. Jenifer,	no	} *
Livermore,	no		<i>Virginia,</i>		
<i>Massachusetts,</i>			Mr. Jones,	ay	} ay
Mr. Lovell,	no	} no	Madison,	no	
Ward,	no		Bland,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Varnum,	no	} *	Mr. Sharpe,	no	} no
<i>Connecticut,</i>			Johnston,	no	
Mr. Huntington,	no	} *	<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Mathews,	no	} no
Mr. Houston,	no	} *	Bee,	no	
<i>Pennsylvania,</i>			Motte,	no	
Mr. Atlee,	no	} no	Eveleigh,	no	
Clymer,	no		<i>Georgia,</i>		
T. Smith,	no		Mr. Few,	no	} no
			Howly,	no	

So it passed in the negative.¹

~~A letter of 1 May from Parsons & Co. was read.~~

¹ The following report belongs to this period. The indorsement shows that it was postponed. It is in the writing of James Mitchell Varnum, and is in the *Papers of the Continental Congress*, No. 36, IV, folio 193.

Whereas the time has long since elapsed in which the Bills of the new Emission should have been issued and in Circulation agreeable to the Resolution of the Eighteenth of March 1780, and whereas but a part of the four Tenths of said Bills have been lodged in the Treasury of the United States notwithstanding large quantities of the old emissions have been collected by Taxation and otherwise for the purpose of being destroyed; And whereas the said four Tenths are immediately necessary to answer public Exigencies; It is therefore

~~Resolved that and~~ *Ordnained* by the authority of the United States in Congress assembled, that the commissioners of the Loan offices in the respective States cause the four tenths of the Bills assigned to the said States subject to the order of the United States agreeable to the said Resolution of the Eighteenth of March, to be sent, without delay, to the Treasury Office of the United States deducting such sums as have been drawn for by Warrants from Congress provided said bills have been signed and numbered by authority of said States; and where said bills have not been signed and numbered, that the Legislatures or Executives of said States cause the same immediately to be done: And to prevent Injustice to the United States, be it farther

Resolved, that the said Commissioners of the Loan officers cause the said Bills to bear date at and from the Time of signing and numbering as aforesaid, provided they

A motion was made by Mr. [William Churchill] Houston on the foregoing subject:

Ordered, That it be referred to a committee of three:

The members, Mr. [William Churchill] Houston, Mr. [Joseph] Jones, Mr. [George] Clymer.

AT A BOARD OF WAR, *May 30, 1781*

Present Mr Peters, Col. Grayson.

The Board have the honor to lay before Congress two different reports on the subject of depreciation. Not knowing the extent to which Congress will deem it proper to make provision, the Board have thought it advisable to report two different plans; the one is on a large, the other on a contracted scale.

Footnote—Continued.

shall not have been dated, but otherwise the said Commissioners are directed to cause Impressions to be made upon said bills in the words and Figures following "Interest paid to ——— A D. 1781." as the case may be; which date shall correspond with the time of preparing said bills to be sent to the Treasury office as aforesaid. And to prevent the consequences of too great a quantity of money being in circulation, It is farther Resolved, ~~That~~

Ordnained and the Commissioners of the Loan Offices aforesaid are hereby directed and enjoined not to issue any of the remaining six Tenths of the said Bills till the States respectively shall have deposited with them twenty times as much of the old Emissions as the nominal amount of the said four Tenths and then no faster, or in greater quantities, than the said States shall furnish them with twenty times the amount of the said remaining six Tenths of the new Bills in Bills of the old Emissions. And the said Commissioners are farther enjoined to cause the said Bills so to be issued to bear date at the time of issuing or to be impressed as aforesaid at said time.

And whereas in many of the States no part of said Emission of the said Eighteenth of March has been redeemed or sunk, for the year A. D. 1780. To answer therefore the purposes of the said Resolution as far as may be, the said Commissioners are directed to forward to the said Treasury of the United States the one sixth of the remaining Tenths of the Quota of their States respectively of said Emission; Which said one sixth shall be destroyed without going into Circulation,

And whereas the safety of the United States requires an equal uniform Execution of public measures; Be it therefore Resolved, ~~and it is hereby recommended to~~ ordained that the States who have not put a period to the called out of Circulation ~~and currency~~ their Quotas of the old Emission, cause the same to be done as soon as possible by bringing in their respective proportions to be destroyed agreeable to the ~~said resolution of the eighteenth of March~~

Or instead of the last clause: ordained that the Bills emitted by the United States in Congress assembled previous to the Eighteenth of March A. D. 1780, do not Circulate or be current in the said States, from and after the day of next.

1. *Resolved*, That the line of the army and the independent Corps thereof, and also all Brevet and other Officers not attached to any particular commands, and all other persons of whatsoever description on the civil or military staff of the army or acting under the same who have been engaged in the Continental Service since the commencement of the present war shall be entitled to have the depreciation of their original pay made up to them, by the several states to which they belong agreeable to the Scales of depreciation established by such states, and according to the periods for which such persons have respectively served; any resolve to the contrary notwithstanding.

Resolved, That each State who shall advance more money in making good the depreciation to their own citizens than their proper proportion shall be allowed for the same on Continental account.

Resolved, That the auditors of the army be directed to liquidate and settle the accounts of all persons entitled to depreciation and who are not included in the quota of any of the States, and ascertain the balances due on the same in specie, which sums shall be paid as soon as the state of the finances will admit out of the public Treasury of the United States.

That it be recommended to the Legislatures of the several States to make provision for their respective citizens described in the foregoing resolutions agreeable thereto.

2. That all officers of the Staff of the army of every description who are now in service and engaged for three years or during the war, or who were in service, and so engaged on the 10th day of April, 1780, shall be entitled to the depreciation of their pay in like manner as is directed for officers of the line and independent Corps by the resolution of the 10th April before mentioned, or any other Resolutions of Congress.

That all such staff officers who belong to or are inhabitants of any particular State shall have their depreciation paid to them by that State in the same manner with the officers of the line of the State.

That all officers and soldiers of independent Corps or artificers who are inhabitants of any particular State, and who now are, or were in service on the said 10th day of April, 1780, and engaged for three years or during the war have their depreciation settled and paid by the State to which they belong or of which they are or were inhabitants in the same manner with officers and soldiers of the line.

That all officers and soldiers of the army at large, or of independent Corps and artificers, and all staff officers not belonging to, or being inhabitants of any particular State who are now or were in service on the said 10th day of April, 1780, shall have their accounts for depreciation settled by the auditors of the Army in which they now serve or shall have served and the sums due in specie on such settlements certified by the said auditors shall be paid out of the treasury of the United States whensoever the public finances will admit thereof.

That the officers and soldiers of the line, staff, or artificers not belonging to any State shall produce to the auditors previous to their claiming settlements a certificate from the Adjutant General or deputy Adjutant General of the army in which they serve or shall have served, ascertaining their ranks, appointments, enlistments and original pay, and certifying that they do not belong to, and have not been counted to the quota of any particular State.

That each State who shall advance more money in making good the depreciation to their respective citizens than their proper proportion shall be allowed for the same on account of the United States.

That it be recommended to the Legislatures of the several States to make provision for their respective citizens described in the foregoing resolutions agreeable thereto.¹

Adjourned to 10 o'Clock on Monday.

MONDAY, JUNE 4, 1781

Mr. [Roger] Sherman and Mr. [Oliver] Ellsworth, delegates for the State of Connecticut, attended and took their seats, the former having produced his credentials, which were read, as follows:

At a General Assembly of the Governor and Company of the State of Connecticut in America holden at Hartford on the
SEAL second Thursday of May being the 10th Day of said Month
A Dom 1781.

This Assembly do appoint the Honorable Roger Sherman Esq^r a Delegate from this State to the Congress of the United States for

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 219. It is indorsed as having been read this day and postponed.

the current Year in the room of the Hon^{ble} Titus Hosmer Esq^r
Deceased

A true Copy of Record
Examin^d

By GEORGE WYLLYS Secret^y ¹

A letter, of 16 February, from Mr. Dumas; and

One, of 11 and 14 March, from W. Carmichael; were read.²

A letter, of 28 May, from the governor of Virginia;³

One, of the 30 May, from the governor of Maryland; and

One, of 1 June, from the president of the senate and
speaker of the house of Delegates of Maryland; were read:⁴

Ordered, That they be referred to the Board of War.

A letter, of this day, from Mr. R. Morris, was read; Where-
upon,⁵

Resolved, That the disposition and management of that
part of the money, granted by his Most Christian Majesty to
these United States, which is to be employed in America, be
committed to the superintendant of finance, that it may be
applied to the purposes for which it was granted, namely, a
vigorous prosecution of the present campaign:

That what remains unsold of the bills of exchange drawn
by order of Congress on the ministers plenipotentiary of these
United States respectively at Versailles, Madrid, and the
Hague, be also committed to the superintendant of finance,
to be by him disposed of for the purpose above mentioned:
provided, that none of the bills drawn upon the ministers at

¹ The original is in the *Papers of the Continental Congress*, Connecticut, *Credentials of Delegates*.

² The letter of March 11 is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 279.

³ This letter is in the *Papers of the Continental Congress*, No. 71, II, folio 113.

⁴ The letter of May 30 is in the *Papers of the Continental Congress*, No. 70, folio 469; that of June 1 is on folio 473.

⁵ This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 37. The first two paragraphs of the resolution are also entered in the manuscript Secret Journal, Foreign Affairs.

Madrid and the Hague, be sold until he shall have assurances that funds are provided for paying them:

That the said superintendant of Finance be, and he is hereby, vested with full powers to dispose of the specific supplies required from the several states by the act of the 4th of November last, as well as what remain yet to be furnished, agreeably to the requisition of the 25 February, 1780, in such manner as he, with the advice of the Commander in Chief, shall judge will best promote the public interest, and answer the purposes of the present campaign.

A report of the Board of War, was read; Whereupon,

WAR OFFICE *June 4. 1781*

SIR,

In consequence of the Resolution of Congress respecting the Convention Troops, of the 23^d of May: The Board directed Col. Wood to begin his march as soon as possible; they have taken every measure in their power to prevent delays and interruptions, but from the present situation of public affairs it is possible that unforeseen accidents may retard his march which may eventually be productive of the worst consequences, they therefore request that Congress will be pleased to resolve

Resolved, That Colonel James Wood be, and he is hereby, authorised and directed, in case the supplies of provisions, forage, and waggons necessary for the immediate march of the Convention troops, and the guards under his command, cannot be otherwise obtained, to impress the same, and to give information thereof to the executives of the states within whose limits he shall be obliged to take such measures.¹

Ordered, That a committee of the week be appointed:

The members, Mr. [Oliver] Ellsworth, Mr. [Isaac] Motte, Mr. [Richard] Howly.

A letter, of this day, from the supreme executive council of Pennsylvania, was read, informing that the honorable house of assembly, have desired the Board to request a

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 269.

conference with a committee of Congress, on the quarter-master's and commissary's certificates, and addressing Congress for this purpose.¹

Ordered, That a committee of three be appointed to confer with the supreme executive council of the State of Pennsylvania, on the subject above mentioned: the members, Mr. T[homas] Smith, Mr. [Isaac] Motte, Mr. [Samuel] Johnston.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. [George] Walton, a delegate for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for eight hundred dollars of the new emission, for which the State of Georgia is to be accountable:

The Board also beg leave to submit to Congress a letter from the Treasurer of the 1st instant respecting the execution of the Act of Congress of the 22^d ult^o: directing him to draw on the respective States for their quotas, agreeably to the Acts of the 26th August 1780, 4th of November and 16th of March last.²

Ordered, That the remainder of the report, together with a letter, of 1, from Mr. Hillegas, treasurer, be referred to a committee of three:

The members, Mr. [Roger] Sherman, Mr. [John] Wither- spoon, Mr. M[eriwether] Smith.

The committee, ||consisting of Mr. Varnum, Mr. Bee, and Mr. McKean,|| to whom was re-committed their report on the motion of Mr. [James] Madison, respecting the court of appeals, reported an ordinance on that subject, which was read a first time:

Ordered, That [to] Morrow be assigned for the second reading of the said ordinance.

¹ This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 389.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 359.

Ordered, That ~~Wednesday next~~ to Morrow be assigned for considering the report of the committee on the memorial of the honorable the minister of France, &c.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *June 1st 1781*

Upon the Reference of a Letter from the Board of War, respecting the Claim of Joseph Carson and others, owners of the *Carolina Packet* employed by the Board of War as a Flag to Charlestown—the Board beg leave to report.

That agreeably to the Idea held out in the afs^d Letter from the Board of War, and in Conformity to the opinion of this Board, they find due to Joseph Carson and others, Owners of the *Carolina Packet* four hundred specie dollars, for the Passages of sundry Officers, and their Families which they are of opinion the publick should pay. That respecting demurrage claimed for the detention of the aforesaid sloop in Charlestown, the Board have the writen award of Phillip Moore and Samuel Inglis Merchants of the City of Philadelphia to whom the case was referred, who have awarded to the Owners aforesaid, one hundred pounds in Specie for the detention of the said sloop at Charles-Town. Whereupon the following Order is Submitted:

Ordered, That the Board of War take measures for the payment of six hundred and sixty six dollars and two-thirds of a dollar of the value of specie to Joseph Carson and others owners of the sloop *Carolina Packet* that sum having been found due to them for the passages of sundry officers and their families, from Charlestown; and for demurrage awarded to them for the detention of the sloop aforesaid at Charlestown.

The Board on the Reference of the Memorial of Col: Nathaniel Gist dated the 6th of January 1780 accompanied with an account of Disbursements in the Indian Country submit the following state of Facts—On the seventh of Febuary 1778 the Commissioners of accounts settled an account with the said Co^l Gist of Expences incurred on his first Journey into the Cherokee Country in the Year 1777 in which Account is charged a Horse thirty five pounds ten

shillings, and sundry provisions paid for in that Nation to the amount of thirty eight pounds ten shillings.

That the present demand is for a Horse and Provisions purchased in the Indian Country on the af^d journey as appears by the account thereof sworn to before Gen^l Woodford, herewith exhibitted, and accompanied with the Report of the Chambers of Accounts thereon.

As there are no Vouchers to support the said account except the affidavit aforesaid and as an account was settled of the Expences af^d, wherein no charge is made of these articles; and as it does not appear to the Board, whether the said Horse was bought for public; or private use they cannot take upon them to determine, whether the publick ought to make good to Colonel Gist, this Charge, although they have no doubt but the Horse was actually purchased and that he was afterwards Lost.¹

TREASURY OFFICE June 4, 1781.

The Board of Treasury in compliance with the order of Congress dated the 9th of Feb^r last directing them, "to lay before Congress on the 1st Monday in every month, an exact state of the returns from all the respective loan offices, specifying the old emissions brought in to be destroyed and the new emission retained, subject to the orders of Congress, also a state of the taxes, paid in by the respective States" herewith submit an estimate containing the same down to the present time.²

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JUNE 5, 1781

The committee to whom was referred the memorial of Colonel M. Hazen delivered in a report.

The report of the committee on the memorial of the honorable the minister plenipotentiary of France was taken into consideration, and after debate,

Adjourned to 10 o'Clock to Morrow.

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 355. It is indorsed: "Postponed."

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 361. It was read on this day, as the indorsement shows.

A letter of this day from the Board of War transmitting sundry letters from Western frontiers was read, as the indorsement states. It is in No. 148, I, folio 399.

WEDNESDAY, JUNE 6, 1781

A letter, of this day, from J. Ross, was read:¹

Ordered, That it be referred to the committee on his memorial read the 14 May last.

A report from the committee of the week was read; Whereupon,

The Committee of the week beg leave to report that the petition of John Jordan, James McKenzie, Joseph Brussell and Nicholas Culvill be referred to the Board of Admiralty.

Ordered, That the petition of John Jordan and others be referred to the Board of Admiralty;

That the petition of Mig^t Lorenzo Yznardy be referred to a committee of three:²

The members, Mr. [Samuel John] Atlee, Mr. [James Mitchell] Varnum, Mr. [Thomas] Bee.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *June 4, 1781*

The Board of Treasury have had under their consideration a letter of the first instant, from Gustavus Risberg late Deputy Commissary General of issues referred to them the 2nd instant. Whereupon they beg leave to report.

That the money of the 18 of March, 1780, issued in this, or the southern States, can't be had to make the exchange M^r Risberg proposes, nor can this Board suggest any other mode, than endeavouring to exchange the money he has in a private way, with Gentlemen who have occasion for money in the eastern States—the Board are clearly of opinion, that M^r Risberg ought not to pass it [a]way, at the loss intimated in his letter.

As to the Warrant on the State of Connecticut for ten thousand dollars, mentioned in the said letter, this Board are not of opinion

¹ This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 381.

² This report, in the writing of Richard Howly, is in the *Papers of the Continental Congress*, No. 32, folio 167.

that any other Warrant should issue in lieu thereof. That State no doubt will provide the ways and means to make the payment, altho' they have not issued the money of the 18th of March, 1780.

The Board have also considered the report of the Board of War upon the letter from the A Q M Gen^l accompanied with sundry letters, estimates &c from R Claiborne D Q M^r for the State of Virginia.

From the letters and papers aforesaid the Board are convinced of the necessity of supplying that department, were it practicable, but the mode proposed by the D^r Q^r Master of the State of Virginia to wit, a Warrant on the Loan Officer of that State, can't possibly answer the purpose proposed, for altho' the Loan Officer of that State, had money to issue from his office on the 20th ult, there are Warrants of Congress on him, that he could not then have been apprised of, to the amount of 258,532 dollars and 30/90 of the new emission.

Therefore for the relief of that department, the Board take the liberty to suggest to Congress, the necessity of appropriating a part of the moneys directed to be drawn for, by the Treasurer of the United States, by their Act of the 22^d ultimo. Whereupon the following order is submitted.

Ordered, That the Treasurer of the United States draw an order on the Treasurer of the State of Virginia for dollars payable in specie, or other money of equal value to specie, in favor of Charles Pettit, Asst Q^r Master General, on account of Timothy Pickering Esq^r Q^r Master General, to be assigned over, and paid to R Claiborne D^r Q^r Master for the State of Virginia, being part of the moneys directed to be drawn for, by the act of the 22^d May last, to be applied to the purposes of the Quarter Masters department to the southward, for which sum Col Timothy Pickering Q^r Master Gen^l is to be accountable, upon the requisition of the A. Q M General to the Board of War and approved by the said Board in their letter of the 31 ultimo, to His Excellency the President of Congress.

The Board beg leave further to report,

Ordered, That on the application of Mr. [Samuel] Johnston, one of the delegates for the State of North Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for eight

hundred dollars of the new emission, for which the State of North Carolina is to be accountable:¹

Ordered, That the remainder of the report respecting the letter of G. Risberg and on the report of the Board of War on the letter from the assistant quartermaster general, accompanied with sundry letters, estimates, &c., from R. Claiborne, deputy quartermaster for the State of Virginia, be postponed:

TREASURY OFFICE June 4th 1781

The Board of Treasury having considered a Letter from Nathaniel Barrett dated Boston May 10th 1781 respecting the Loss of two Bills of Exchange drawn on the Commissioners at Paris, and inclosing a Letter from Jonathan Williams, relative to the said Bills, dated at Nantz the 20th of March last beg leave to report

That it appears by the said Letter and Testimonies on oath exhibitted and filed, that the first and second Bills of two sets of Exchange drawn by the United States on the Commissioners at Paris in favor of M^r John Loring or order, N^o 73 for twenty four dollars and N^o 76 for thirty dollars, both dated November 10th 1778, and issued by the Commissioner of the Continental Loan Office for the State of Massachusetts, (as he has certified to this Board) were inclosed by the said Nathaniel Barrett to Jonathan Williams of Nantz and forwarded by Captains Arne and Carzneau, both of whom sailed for Europe in the fall of the year 1778 the first of whom after being chased by the Enemy and dismasted put into Cadiz, and the latter was taken; the third Bill was inclosed and went by Co^l Dirks, who sailed about the same time, and says by Accident the letter was lost—the fourth Bill was sent by Captain Grinnel, who sailed for Holland in the year 1779, was cast away and lost his papers. The foregoing Facts as stated having been certified on Oath, the Board have no Reason to doubt the Truth and therefore submit the following Resolution:

Ordered, That the treasurer of loans sign and transmit to Nathaniel Appleton, commissioner of the continental loan

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 247. It is indorsed by Thomson: The House seems to concur in opinion with the board on the advance of money for the quarter [master's] Department in Virginia. Postponed.

office for the State of Massachusetts, to be by him issued to Nathaniel Barrett, two sets of exchange, of the tenor and date of two sets drawn by the United States on the commissioners at Paris, in favor of Mr. John Loring, or order, No. 73, for twenty-four dollars, and No. 76, for thirty dollars; both dated November 10, 1778, and issued by the commissioner of the continental loan office for the State of Massachusetts aforesaid: which by proofs and affidavits lodged at the Board of Treasury, appear to have been lost; except that each set, now drawn, consist of the 5th, 6th, 7th, 8th bills, one of the eight only to be paid; that the treasurer of loans furnish the said Nathaniel Barrett with quadruplicate letters of advice, each containing a certified copy of the foregoing order; and that the said Nathaniel Barrett enter into bond to the loan officer aforesaid, on behalf of the United States, with two or more sufficient freeholders as securities, in double the amount of the value of the said bills, with condition to indemnify the United States against the holder or holders of any of the bills aforesaid, which are said to be lost, should any such appear.¹

The committee to whom was referred their report of the communications made to them by the minister of France, having reported thereon, their report was taken into consideration: And thereupon,

Resolved, That the minister plenipotentiary, &c. be authorised and instructed to concur, in behalf of these United States, with his Most Christian Majesty in accepting the mediation proposed by the Empress of Russia and the Emperor of Germany; ~~and but to accede to any treaty of peace which may be the result thereof~~

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 363.

From this point, the proceedings for the day were entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal.

~~in which the independence and sovereignty of the thirteen United States is effectually assured to them~~ [no treaty of peace which shall not be such as may effectually secure the independence and sovereignty of the thirteen states,] according to the form and effect of the treaties subsisting between the said states and his most Christian Majesty, and in which the said treaties shall not be left in their full force and validity.

~~That the boundaries of the said states be as follows:~~¹

A motion was then made by Mr. [John] Witherspoon, seconded by Mr. [William Churchill] Houston, That the minister who is to negotiate in behalf of the United States be further instructed as follows:

“But as to disputed boundaries, and other particulars, we refer you to your former instructions, from which you will easily perceive the desires and expectations of Congress; but we think it unsafe at this distance to tie you up by absolute and peremptory directions upon any other subject than the two essential articles abovementioned. You will, therefore, use your own judgment and prudence in securing the interest of the United States in such manner as circumstances may direct, and as the state of the belligerent and disposition of the mediating powers may require.”

“You are to make the most candid and confidential communications, upon all subjects, to the ministers of our generous ally the king of France; to undertake nothing in the negotiations for peace without their knowledge and concurrence; and to make them sensible how much we rely upon his Majesty’s influence for effectual support, in every thing that may be necessary

¹ This report, in the writing of James Madison, except the part in brackets, which is in Samuel Huntington’s writing, is in *the Papers of the Continental Congress*, No. 25, I, folio 439.

to the present security or future prosperity of the United States of America.”¹

On the question to agree to the first paragraph, the yeas and nays being required by Mr. M[eriwether] Smith—

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jenifer,	ay	} *
Livermore,	ay		<i>Virginia,</i>		
<i>Massachusetts,</i>			Mr. Madison,	no	} no
Mr. Lovell,	no	} no	Bland,	no	
Ward,	no		M. Smith,	no	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Varnum,	ay	} *	Mr. Sharpe,	ay	} div.
<i>Connecticut,</i>			Johnston,	no	
Mr. S. Huntington,	no	} no	<i>South Carolina,</i>		
Ellsworth,	ay		Mr. Mathews,	ay	} ay
Sherman,	no		Bee,	ay	
<i>New Jersey,</i>			Motte,	ay	
Mr. Witherspoon.	ay	} ay	<i>Georgia,</i>		
Houston,	ay		Mr. Walton,	ay	} ay
<i>Pennsylvania,</i>			Few,	ay	
Mr. Atlee,	ay	} ay	Howly,	ay	
Clymer,	ay				
T. Smith,	ay				

So the question was lost. Whereupon,

Ordered, That the report together with the foregoing motion be re-committed.

ADMIRALTY OFFICE *June 6th 1781.*

The Board of Admiralty have the honor to inform the Honorable the United States in Congress assembled, that they have conferred with the Superintendent of Finance on ways and means for manning and fitting out the Frigate *Trumbull*, That the result thereof was, that he would furnish paper money sufficient for manning said Ship and enable the Board to procure such articles as will be necessary to complete her outfit.

¹ This motion, in the writing of John Witherspoon, and the vote are in the *Papers of the Continental Congress*, No. 25, I, folio 438.

There will be nothing to impede the equipment of this Ship, when your honorable body shall have decided on the report, which the Board had the honor lately to lay on your table, respecting the mode of payment of officers pay and subsistence and of seamens bounty and wages &c, &c.

The Board therefore hope that it will be agreeable to your Honorable Body to take up and decide on that Report immediately.¹

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JUNE 7, 1781

The committee on the Post Office, to whom was referred an extract of the letter from the director general, delivered in a report.

The report of the committee on the memorial from the minister of France was taken into consideration, and after debate,²

The committee to whom was re-committed their report, together with the motion of Mr. [John] Witherspoon, reported, that they have considered the subject referred to them, and submit to the consideration of Congress the motion of Mr. [John] Witherspoon, together with the following additional and secret instructions with respect to the boundaries of the United States:

1. You are to use your utmost endeavours to secure the limits fixed, exactly according to the description in your former instructions.

2. If that cannot be obtained, it is the wish of Congress that a peace be made without fixing ~~western limits~~

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 471. It was read on this day, as the indorsement shows.

² From this point the proceedings for June 7 were entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal.

~~but considering the territory as of right belonging to the Indian nations northern and western limits; but leaving them to future discussion.~~

3. If that also is found impracticable, and boundaries must be ascertained, you are to obtain as advantageous a settlement as possible in favour of the United States.¹

The secret instructions were taken into consideration; and on the question to agree to the first, the yeas and nays being required by Mr. M[eriwether] Smith—

Resolved in the affirmative, every member answering Ay.

On the question to agree to the second, the yeas and nays being required by Mr. M[eriwether] Smith—

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	no	} no	Mr. Jenifer,	ay	} *
Livermore,	no		<i>Virginia,</i>		
<i>Massachusetts,</i>			Mr. Jones,	ay	} ay
Mr. Lovell,	ay	} div.	Madison,	ay	
Ward,	no		Bland,	ay	
<i>Rhode Island,</i>			M. Smith,	no	
Mr. Varnum,	ay	} *	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Sharpe,	ay	} ay
Mr. Huntington,	ay	} ay	Johnston,	ay	
Ellsworth,	ay		<i>South Carolina,</i>		
Sherman,	ay		Mr. Mathews,	ay	} ay
<i>New Jersey,</i>			Bee,	ay	
Mr. Witherspoon,	ay	Motte,	ay		
Houston,	ay	} ay	<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Walton,	ay	} ay
Mr. Atlee,	ay	Few,	ay		
Clymer,	ay	Howly,	ay		

So it was resolved in the affirmative.

¹ These instructions, in the writing of John Witherspoon, are in the *Papers of the Continental Congress*, No. 25, I, folio 438.

On the question to agree to the third, the yeas and nays being required by Mr. [Meriwether] Smith—

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jenifer,	ay	} *
Livermore,	ay		<i>Virginia,</i>		
<i>Massachusetts,</i>			Mr. Jones,	no	} no
Mr. Lovell,	no	} no	Madison,	no	
Ward,	no		Bland,	no	
<i>Rhode Island,</i>			M. Smith,	no	
Mr. Varnum,	ay	} *	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Sharpe,	ay	} div.
Mr. S. Huntington,	ay	} ay	Johnston,	no	
Ellsworth,	ay		<i>South Carolina,</i>		
Sherman,	no		Mr. Mathews,	ay	} ay
<i>New Jersey,</i>			Bee,	ay	
Mr. Witherspoon,	ay	} ay	Motte,	ay	
Houston,	ay		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Walton,	ay	} ay
Mr. Clymer,	ay	} *	Few,	ay	
			Howly,	ay	

So the question was lost.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JUNE 8, 1781

A report from the Board of War was read; Whereupon,

WAR OFFICE, June 6, 1781

SIR

The Board reported to Congress on the 31st of May the expediency of furnishing money for repairing fifteen hundred stand of Arms for the use of the Militia of the Southern States. The reason why the Board made their application on so contracted a scale, was the difficulty which they knew the supplying the Money would be attended with. Since this they have conferred with Mr Morris on the subject which has encouraged them to request that Congress will be pleased to direct that all the Arms at this post be immediately repaired and that these Arms as well as those ordered on by the Commander in Chief be sent forward to the Southern States in such proportions as

shall be thought expedient towards arming the Continental Troops and Militia of those States.

The Board have the Honor to inclose the Estimates for Repairs and Transportation also an Estimate for thirteen hundred Cartridge Boxes for the use of the new levies of Maryland and Virginia. The Deputy Quarter Master has made his Calculations on Fredericksburgh in Virginia and Baltimore in Maryland as the points of destination this will make the Estimate for transportation in some measure defective as the Board think it expedient that part of the Arms should be sent to the upper parts of North Carolina. The Board will be glad to know the pleasure of Congress on this Occasion that no time may be lost and when Mr Morris has accepted of his Office they will apply for regular warrants in favour of the different departments.¹

Ordered, That the Board take order for having all the arms at this post immediately repaired; and that these arms, as well as those ordered on by the Commander in Chief, be sent forward to the southern states, in such proportions as shall be thought expedient towards arming the continental troops and militia of those states.²

The subject of the instructions was resumed; and the first part of Mr. [John] Witherspoon's motion, which was again reported by the committee, being under debate, a motion was made by the State of Virginia to add to it as follows:

"Provided that you shall not recede from the former ultimatum of Congress on the subject of the boundaries of the United States, in any part thereof, except with respect to so much of the said ultimatum as delineates the boundary from the intersection of the forty-fifth degree of north latitude with the river St. Lawrence to the mouth of the Ilinois river, from which you are authorised to recede so far as to agree that the boundary of the states between these two points shall run from the intersection aforesaid, through the middle of the

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 277.

² From this point the proceedings for June 8 were entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal.

said rivers, of Lake Ontario, of the Strait of Niagara, and of Lake Erie, to the mouth of the Miami river, thence in a direct line to the source of the river Illionois, and thence down the middle of the said river to its confluence with the Mississippi.”¹

On the question to agree to this, the yeas and nays being required by Mr. [Theodorick] Bland—

<i>New Hampshire,</i>				<i>Maryland,</i>			
Mr. Sullivan,	no	}	no	Mr. Jenifer,	no	}	no
Livermore,	no			Carroll,	no		
<i>Massachusetts,</i>				<i>Virginia,</i>			
Mr. Lovell,	no	}	no	Mr. Jones,	ay	}	ay
Ward,	no			Madison,	ay		
<i>Rhode Island,</i>				Bland,	ay		
Mr. Varnum,	no	}	*	M. Smith,	ay		
<i>Connecticut,</i>							
Mr. S. Huntington,	no	}	no	<i>North Carolina,</i>		}	div.
Ellsworth,	no			Mr. Sharpe,	ay		
Sherman,	no			Johnston,	no		
<i>New Jersey,</i>				<i>South Carolina,</i>			
Mr. Witherspoon,	no	}	no	Mr. Mathews,	no	}	no
Houston,	no			Bee,	no		
				Motte,	no		
<i>Pennsylvania,</i>				<i>Georgia,</i>			
Mr. Atlee,	no	}	no	Mr. Walton,	no	}	no
Clymer,	no			Few,	no		
				Howly,	no		

So it passed in the negative.

A motion was then made by the State of Virginia to add the words following:

“Provided that you shall not in any case agree to a cession of any part of the territory lying on the south-east side of the river Ohio; nor admit any exclusive claims on the part of Great Britain to the territory lying between the said river, the rivers Mississippi and Illionois, and the lakes Erie and Ontario.”²

¹ This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 25, I, folio 441.

² This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 25, I, folio 443.

A division was called for; and on the question to agree to the first clause as far as "the river Ohio" inclusive, the yeas and nays being required by Mr. [James] Madison—

<i>New Hampshire,</i>				<i>Maryland,</i>			
Mr. Sullivan,	no	}	no	Mr. Jenifer,	no	}	no
Livermore,	no			Carroll,	no		
<i>Massachusetts,</i>				<i>Virginia,</i>			
Mr. Lovell,	no	}	no	Mr. Jones,	ay	}	ay
Ward,	no			Madison,	ay		
<i>Rhode Island,</i>				Bland,	ay		
Mr. Varnum,	ay	}	*	M. Smith,	ay		
<i>Connecticut,</i>				<i>North Carolina,</i>			
Mr. S. Huntington,	no	}	no	Mr. Sharpe,	no	}	no
Ellsworth,	no			Johnston,	no		
Sherman,	no			<i>South Carolina,</i>			
<i>New Jersey,</i>				Mr. Mathews,	no	}	no
Mr. Witherspoon,	no	}	div.	Bee,	no		
Houston,	ay			Motte,	no		
<i>Pennsylvania,</i>				<i>Georgia,</i>			
Mr. Atlee,	no	}	no	Mr. Walton,	no	}	no
Clymer,	no			Few,	no		
				Howly,	no		

So it passed in the negative, and the second clause was dropped.

A motion was then made by Mr. [Meriwether] Smith, seconded by Mr. [Theodorick] Bland, to strike out all that follows the words, "expectations of Congress."¹

¹ The following, in the writing of James Madison, seems to belong to this part of the Journal. It is in the *Papers of the Continental Congress*, No. 25, I, folio 447.

With respect to the boundaries of the 13 U. States you may if any obstacles to peace can be thereby avoided, and it should be approved by our Ally, leave the same altogether untouched and open to future adjustment. But as they will in all probability become an article of discussion, you are in the first instance to use every prudent endeavour to obtain an admission on the part of G. B. of the boundaries described in the ultimatum of Congress on that subject: and in case neither of these purposes can be effected you are to insist on the exclusive right of the U. States to all the Territory included in the said ultimatum which is actually settled by citizens of any one of the 13 states, and avoid admitting any exclusive claims in favor of G. B. to the Territory remaining within the boundaries described in the aforesaid ultimatum, which is settled neither by citizens of the U. States nor by subjects of the King of G. B.

Question put.

Passed in the negative.

On the question to agree to the first part of Mr. [John] Witherspoon's motion, the yeas and nays being required by Mr. [Meriwether] Smith—

<i>New Hampshire,</i>				<i>Maryland,</i>			
Mr. Sullivan,	ay	}	ay	Mr. Jenifer,	ay	}	ay
Livermore,	ay			Carroll,	ay		
<i>Massachusetts,</i>				<i>Virginia,</i>			
Mr. Lovell,	ay	}	ay	Mr. Jones,	no	}	no
Ward,	ay			Madison,	no		
<i>Rhode Island,</i>				Bland,	no		
Mr. Varnum,	ay	}	*	M. Smith,	no		
<i>Connecticut,</i>						<i>North Carolina,</i>	
Mr. S. Huntington,	ay	}	ay	Mr. Sharpe,	ay	}	ay
Ellsworth,	ay			Johnston,	ay		
Sherman,	ay					<i>South Carolina,</i>	
<i>New Jersey,</i>				Mr. Mathews,	ay	}	ay
Mr. Witherspoon,	ay	}	ay	Bee,	ay		
Houston,	ay			Motte,	ay		
<i>Pennsylvania,</i>				<i>Georgia,</i>			
Mr. Atlee,	ay	}	ay	Mr. Walton,	ay	}	ay
Clymer,	ay			Few,	ay		
				Howly,	ay		

So it was resolved in the affirmative.

On the question to agree to the second clause, viz. "You are to make the most candid," &c. to the end, the yeas and nays being required by Mr. [Artemas] Ward—

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Sullivan,	ay	} ay	Mr. S. Huntington,	ay	} ay
Livermore,	ay		Ellsworth,	ay	
<i>Massachusetts,</i>			Sherman,	ay	
Mr. Lovell,	no	} no	<i>New Jersey,</i>		
Ward,	no		Mr. Witherspoon,	ay	} ay
<i>Rhode Island,</i>			Houston,	ay	
Mr. Varnum,	ay	} *			

<i>Pennsylvania,</i>				<i>North Carolina,</i>		
Mr. Atlee,	ay	} ay		Mr. Sharpe,	ay	} ay
Clymer,	ay			Johnston,	ay	
<i>Maryland,</i>				<i>South Carolina,</i>		
Mr. Jenifer,	ay	} ay		Mr. Mathews,	ay	} ay
Carroll,	ay			Bee,	ay	
<i>Virginia,</i>			Motte,	ay		
Mr. Jones,	ay	} ay	<i>Georgia,</i>			
Madison,	ay			Mr. Walton,	ay	} ay
Bland,	ay			Few,	ay	
M. Smith,	ay			Howly,	ay	

So it was resolved in the affirmative.

A motion was then made by Mr. [Daniel] Carroll, seconded by Mr. [Samuel John] Atlee, to reconsider the third of the additional and secret instructions reported by the committee.

The question being put, was lost, only six states being in the affirmative.

On motion of Mr. [John] Witherspoon, seconded by Mr. [George] Clymer,

Resolved, That the first and second of the additional and secret instructions passed yesterday be reconsidered.

The question being then severally put to agree to the first and second of the additional and secret instructions,

Passed in the negative.

REPORT OF COMMITTEE INSTRUCTIONS TO THE MINISTERS PLENIPO.
TO NEGOTIATE A PEACE.

Resolved, That the Minister Plenipotentiary of these United States at the Courts of Versailles and Madrid be joined with the honorable John Adams in negotiating a peace between these States and Great Britain, and that they or any two of them ~~to be obligatory upon the United States of America and that the following instructions be immediately forwarded to them~~ be authorized to negotiate a peace or execute the same, agreeable to the following Instructions.

INSTRUCTIONS FOR MR. JOHN ADAMS.

SIR GENTLEMEN,

As by the Intervention of the Courts of Petersburg and Vienna, a negotiation between the Belligerent Powers will may soon take place, and as ~~you~~ former instructions given to Mr Adams, under circumstances which would warrant the claims therein made by Congress, ~~you~~ may in case a negotiation should immediately take place ~~would~~ only serve to embarrass you and perhaps be a means of leaving us to support the war without the aid of our Allies, you will therefore consider all former instructions given on this head as not binding upon you or either of you in any respect and conform ~~yourself~~ yourselves to the following instructions.

Viz. 1st. You are to make it a preliminary article to any negotiation, that Great Britain shall agree to treat with the United States as Sovereign free and Independent.

2^{dy}. You shall take especial care also that the Independence of the said States be effectually assured and confirmed by the treaty or treaties of peace according to the form and effect of the Treaty of Alliance with his Most Christian Majesty, and you shall not agree to such treaty or treaties unless the same be thereby so assured and confirmed.

The Boundaries of these States shall be

Congress having the highest confidence in the justice of the Mediating Powers, and in the friendship of his Most Christian Majesty direct you in all other points to conform yourself to the advice and opinion of the Minister Plenipotentiary, who may be appointed on the part of his Christian Majesty to negotiate a peace and therefore

Although former instructions given to Mr Adams upon this subject are not to be considered as binding upon you yet they will serve to explain the wishes of Congress the contents of which and of these instructions you will communicate to the Minister Plenipotentiary of his Most Christian Majesty, and solicit his aid and influence to procure a compliance with such of those demands as may be found practicable to obtain.

Should it be found impracticable to conclude a Treaty of Peace and a Truce should be proposed and thought advisable by the Plenipotentiaries of the other Belligerent Powers you may agree thereto upon such terms as may by them be thought reasonable.¹

¹ This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 25, I, folio 448.

The instructions as agreed to are as follows:

You are hereby authorised and instructed to concur, in behalf of these United States, with his Most Christian Majesty, in accepting the mediation proposed by the Empress of Russia and the Emperor of Germany. But you are to accede to no treaty of peace which shall not be such as may, 1st, effectually secure the independence and sovereignty of the thirteen states, according to the form and effect of the treaties subsisting between the said states and his Most Christian Majesty; and, 2dly, in which the said treaties shall not be left in their full force and validity.

As to disputed boundaries, and other particulars, we refer you to your former instructions of the 14 August, 1779, and 18 October, 1780, from which you will easily perceive the desires and expectations of Congress; but we think it unsafe at this distance to tie you up by absolute and peremptory directions upon any other subject than the two essential articles above-mentioned. You will therefore use your own judgment and prudence in securing the interest of the United States in such manner as circumstances may direct, and as the state of the belligerent and disposition of the mediating powers may require.

You are to make the most candid and confidential communications, upon all subjects, to the ministers of our generous ally the king of France; to undertake nothing in the negotiations for peace or truce, without their knowledge and concurrence; and to make them sensible how much we rely upon his Majesty's influence for effectual support in every thing that may be necessary to the present security or future prosperity of the United States of America.¹

[Adjourned to 10 o'Clock to Morrow.]

¹ A letter, of this day, from the Board of War, was read, relative to the pay of Mr. Lotbinière, as the indorsement indicates. It is in the *Papers of the Continental Congress*, No. 148, I, folio 403.

SATURDAY, JUNE 9, 1781

The report of the committee on the memorial of the minister of France was taken into consideration, and after debate;¹

On motion of Mr. [John] Witherspoon,

Resolved, That the following additional instruction be given.

If a difficulty should arise in the course of the negotiation for peace from the backwardness of Britain to make a formal acknowledgment of our independence, you are at liberty to agree to a truce, or to make such other concessions as may not affect the substance of what we contend for; and provided that Great Britain be not left in possession of any part of the thirteen United States.²

On the question to agree to this, the yeas and nays being required by Mr. [Meriwether] Smith—

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jenifer,	ay	} ay
Livermore,	ay		Carroll,	ay	
<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Lovell,	ay	} ay	Mr. Jones,	ay	} div.
Ward,	ay		Madison,	ay	
<i>Rhode Island,</i>			Bland,	no	
Mr. Varnum,	no	} *	M. Smith,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. S. Huntington,		} ay	Mr. Sharpe,	ay	} ay
Ellsworth,	ay		Johnston,	ay	
Sherman,	ay		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Mathews,	ay	} ay
Mr. Witherspoon,	ay	} ay	Bee,	ay	
Houston,	ay		Motte,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Montgomery,	ay	} ay	Mr. Walton,	ay	} ay
Atlee,	ay		Few,	ay	
Clymer,	ay		Howly,	ay	
T. Smith,	ay				

¹ From this point, the proceedings for June 9 were entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal.

² This motion, in the writing of John Witherspoon, is in the *Papers of the Continental Congress*, No. 25, I, folio 450.

So it was resolved in the affirmative.

The committee having reported as their opinion, that some persons be joined with the honourable John Adams in negotiating a treaty of peace between these United States and Great Britain—

On the question, Shall any person or persons be joined, the yeas and nays being required by Mr. [John] Mathews—

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	no	} no	Mr. Jenifer,	ay	} ay
Livermore,	no		Carroll,	ay	
<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Lovell,	no	} no	Mr. Jones,	no	} no
Ward,	no		Madison,	no	
<i>Rhode Island,</i>			Bland,	no	
Mr. Varnum,	no	} *	M. Smith,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Huntington,	no	} no	Mr. Sharpe,	ay	} div.
Ellsworth,	no		Johnston,	no	
Sherman,	no		<i>South Carolina.</i>		
<i>New Jersey,</i>			Mr. Mathews,	ay	} ay
Mr. Witherspoon,	no	} no	Bee,	ay	
Houston,	no		Motte,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Montgomery,	no	} ay	Mr. Walton,	ay	} ay
Atlee,	ay		Few,	no	
Clymer,	ay		Howly,	ay	
T. Smith,	ay				

So it passed in the negative.

Ordered, That the committee appointed to confer with the minister of France communicate confidentially to him the substance of the foregoing instructions; and that they prepare an answer to the letter from his Most Christian Majesty; and a letter to Dr. Franklin; that they also revise the instructions given to the minister plenipotentiary respecting a treaty of commerce with Great Britain, and report thereon.

Adjourned to 10 o'Clock on Monday.

MONDAY, JUNE 11, 1781

A letter, of 10th May, from Major General Greene, was read:¹

Ordered, That it be referred to the Board of War.

Another letter, of 14th, and one, of 16th, May, from Major General Greene, were read, with sundry papers enclosed:²

Ordered, That they be referred to the Committee of Intelligence.

A letter, of 6, from the Rev. James Caldwell, was read, with sundry papers enclosed:

Ordered, That they be referred to a committee of three:

The members, Mr. [William Churchill] Houston, Mr. [Theodorick] Bland, Mr. [George] Clymer.

A letter, of [April 3] from Brigadier General Moultrie, with sundry papers enclosed, was read:³

Ordered, That they be referred to the Committee of Intelligence.

A report of the committee of the week was read; Whereupon,

Ordered, That the memorial of Captain Nicholson, and the memorial of Captain Read, be referred to the committee to whom was referred the letter from Captain J. P. Jones, and that their report on that subject be re-committed.⁴

The committee to whom were referred the letters of Brigadier General Moultrie; and

The Committee to whom the letters of General Moultrie were referred—beg leave to report; that they have conversed with several persons of Character and veracity, from whom the committee have obtained the most authentic information, that notwithstanding the Solemn engagements entered into between Major General Lincoln and

¹ This letter is in the *Papers of the Continental Congress*, No. 155, II, folio 67.

² The letter of 14th is in the *Papers of the Continental Congress*, No. 155, II, folio 59; that of 16th is on folio 71.

³ This letter is in the *Papers of the Continental Congress*, No. 158, folio 497.

⁴ Nicholson's memorial is in the *Papers of the Continental Congress*, No. 41, VII, folio 67; Read's is in No. 41, VIII, folio 306.

Sir Henry Clinton, and Admiral Arbuthnot previous to the Surrender of the garrison of Charlestown in the State of South Carolina, the most shameful infraction of the articles of Capitulation have taken place on the part of the British—that outrages abhorrent to Civilized Nations have been practised and sanctioned by the British General Cornwallis, and the Officers and Men ~~which compose the banditti~~ under his command; that the Officers of the Army of the United States have been separated from the men, that the latter have been sent on board prison Ships where they suffer the most intolerable hardships with a view to compel them to enlist in the service of the king of Great Britain and to be guilty of parricide and treason to their kindred and country; that proclamations have been issued by Cornwallis Balfour and other Officers in the pay of the British tyrant dooming the citizens of the United States who should be taken in arms in the just defence of their lives and property, and in repelling the invasion of their vindictive and plundering Enemies to a halter; that several valuable citizens have been accordingly hanged in the States of South Carolina and Georgia; that the Officers of these United States in Captivity are exposed to the greatest contumelies and insults and every species of decency and humanity is discarded in their treatment of the unhappy persons of both Sexes, that are within their power; that many worthy citizens who were prisoners in Charlestown, were seized in their beds, and transported to the Castle of St Augustine in East Florida, in gross violation of the articles of capitulation which secured to them their property and residence in that garrison, that a Major Benson who executed the business of seizing these Gentlemen, was guilty of the Greatest indecency, not suffering the wives of the persons who were in bed to retire, and compelling them to listen to the abusive and Scurrilous ribaldry of both himself and the Soldiers who were with him. It was not to be expected that infractors of the most Solemn engagements would confine themselves to any reasonable bounds in cases which had only humanity and the practice of civilized nations, as a tie of restraint; that in all these circumstances a general distress of wives and children widows and orphans prevailed devastations and burning as cruel as they were unnecessary helpless women and children sitting on the ruins of their houses, perishing with cold and famine, marked the progress of the British, nor does it appear that they Confined themselves to this kind of burning and devastation—temples dedicated to the service of the most high God, could not escape their Brutal fury. The conflagration of churches completed a violation on their part of every right human and divine.

It appears further to your Committee that the British admirals and other naval commanders have been governed by similar principles of unrestrained barbarity and malice, in their treatment of the citizens of these United States serving in the naval department, who have fallen into their hands, great numbers have been forced into loathsome prison Ships, particularly at New York, where they fell victims to pestilence and famine others have been violently thrown on board the British kings Ships and compelled to fight against their kindred and Country—nor does it appear that a distinction of persons was attended to, Captains and commanders of ships, mates and other Officers have experienced the same barbarous usage with common mariners—some have been compelled to serve in the lowest stations in the British Ships—others have been transported from their friends and Country to Britain and other foreign places—and in all cases have been treated with the most unrelenting rigor.

That it appears further to your Committee, that a new species of violence hath been exercised by the King of Great Britain, as unauthorised by the laws of nations, as it is derogatory to the honor and undoubted independence of these United States. The commitment of the Honble Henry Laurens a Citizen of these United States, and invested with the character of minister Plenipotentiary to the United Provinces to the Tower on suspicion of treason. the commitment of Cap^t Gustavus Conyngham, and William Drew for high treason to the old Mill Prison in the borough of Plymouth in Great Britain, and of a number of others in similar circumstances, show the necessity of adopting such measures as may be effectual in restraining for the future the absurd and flagitious conduct of the Court of London and its Officers and recal them to a proper sense of their wrongs and violences. Your Committee therefore are of opinion that the following resolutions be agreed to:

The United States in Congress assembled ~~having taken into consideration the above recited state of facts~~ lamenting the necessity they are under of giving a check to the distinguished humanity which in every instance they have exhibited since the commencement of this war, and sensible that retaliation however disagreeable to the American Councils, is a measure pressed on these States by the ferocity and malice of their Enemies, Do Resolve

~~That the Board of War issue immediate orders for removing the officers of the German troops taken at Saratoga, to Simsbury in Connecticut; 2^d that the Board of Admiralty be directed to procure proper~~

~~vessels to be stationed in the Delaware, for the reception of both the British and German troops taken at Saratoga, and other places; 3^{dly} that all the British and German officers on parole and within the enemy's lines be remanded without loss of time; 4^{thly} that the Board of War be directed to select ten British and German officers~~

That the Board of War issue immediate orders for having the British and German Officers on parole, remanded—and that they further direct that all the British and German Officers whether taken prisoners at Saratoga or other places be removed with all convenient dispatch to Simsbury in the State of Connecticut.

That the Board of War do issue further orders to have the British and German non commissioned officers and soldiers taken at Saratoga and other places, confined in such places and treated in such a manner as will be most conformable to the usage which the American soldiers in captivity receive from the enemy.

That the Board of War give directions, that two of the principal Officers of the British or German Prisoners be confined in the State House of Philadelphia as Hostages, for the Honorable Henry Laurens, which hostages shall be liable to a treatment similar in all respects to that which the said Henry Laurens may meet with from the Court of London, and that two British or German Officers, be confined as hostages for Captain Gustavus Conyngham and William Drew, which hostages shall also be subject in every respect to a similar treatment with which may or shall be exercised on the said Gustavus Conyngham and William Drew.

That the Board of War be directed to order a sufficient number of British to be confined as hostages for the citizens of South Carolina and Georgia which have been sent to St Augustine in East Florida, and for such as are confined on board prison ships in the Harbour of Charlestown or in the provost of that Town.¹

The Committee of Commerce, to whom were referred the accounts of Mr. W. Bingham, delivered in their reports:

Ordered, That Wednesday next be assigned for electing a secretary of foreign affairs.

The Report of the Board of War on an allowance to the staff of the army for depreciation was taken into consid-

¹ This report, in the writing of George Walton, is in the *Papers of the Continental Congress*, No. 19, IV, folios 455-461. It is in the list of postponed reports in No. 31, folio 371-2.

eration, and after debate, the first alternative or plan was negatived, and the second postponed.

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [John] Mathews,

Resolved, That the officers of the hospital and medical department, now in service, be allowed the depreciation upon their pay, in the same manner as officers of the line of the army.

The report of the committee on the Post Office, to whom was referred a paragraph of a letter from the director general, was taken into consideration; Whereupon,

Resolved, That the resolution of 28 December, 1779, be extended to the director of the hospital, so that all letters to and from him be free.

A report from the Board of War, on the letter from the director [of the hospitals, was read; Whereupon,

Ordered, That the sum of eight thousand five hundred and forty five dollars and one-third of a dollar in specie or ~~Bills of the new Emissions~~ other money equivalent, be immediately put into the hands of the purveyor of the military hospitals in part of the estimate laid before Congress by the medical committee, to enable him to purchase an immediate supply for the use of the sick, and to prepare for the immediate exigencies of the campaign in the hospital department:

That the sum of sixteen thousand one hundred and sixteen dollars, in specie or ~~Bills of the new Emissions~~ other money equivalent, be advanced to the said purveyor, for three months' pay, to be paid by him on account to the officers of the medical department:

That a warrant be drawn on the treasurer of the State of New York, for six thousand dollars, and another warrant on the treasurer of Virginia for four thousand dollars, in specie or ~~Bills of the new Emissions~~ other money equivalent, in part of the above sum of sixteen thousand one hundred and sixteen dollars, in favour of the said purveyor or his order; and that the residue, viz. six thousand one hundred and sixteen

dollars be paid him at Philadelphia, in specie or ~~Bills of the new Emissions~~ other money equivalent:

That four thousand two hundred dollars, in specie or ~~Bills of the new Emissions~~ other money equivalent, be paid to the said purveyor, to be put into the hands of stewards at established hospitals, to purchase milk and vegetables and discharge small incidental charges at fixed hospitals.]¹

That the Treasury Board be and they are hereby directed to devise
 Postp^d ways and means for supplying the foregoing sums of
 eight thousand five hundred and forty five and one
 third, six thousand one hundred and sixteen, and four thousand two
 hundred dollars.

That all vacancies of regimental Surgeons and Mates in any regiments of the several State Lines be filled up by the respective States in whose Lines the vacancies shall happen in the same manner with vacancies happening in the Line of the State.

That all vacancies of regimental Surgeons and Mates happening in regiments or Corps not belonging to the Line of any State be filled up by the Director or Deputy Director of the Hospitals with the Army in which such regiments or Corps shall serve the said Director or Deputy Director reporting the same to the Commander in Chief or commanding General of a separate Army that information thereof may be given to the Board of War who shall fill up Commissions accordingly.

The filling up the vacancies in the Medical Department we leave to the wisdom of Congress with this observation that the Director represents to us that this measure is necessary.²

The committee of the week are:

Mr. [Roger] Sherman, Mr. [Joseph] Montgomery, Mr. [William] Sharpe.

The committee, appointed to confer with the minister of France, report,³

That they have communicated to him the substance of the instructions to the minister plenipotentiary, for

¹ The portion in brackets was entered in the Journal by George Bond.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 273. It is indorsed: "August 23, 1781, not to be acted upon."

³ This report and the debate following were entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal.

negotiating a peace, and submit it as their opinion, that the said instructions be reconsidered so far as to admit the following amendments:

1. In the third clause of the instructions, to strike out the words, "will therefore use your own judgment and prudence in securing," and in lieu thereof to insert, "are therefore at liberty to secure."

2. To introduce the fourth clause by inserting at the beginning thereof the following words, "for this purpose."

3. After the words "concurrence and," to insert the following words: "ultimately to govern yourself by their advice and opinion, endeavouring in your whole conduct."

The vote for reconsidering being taken and passed,

On the question to agree to the first amendment, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jones,	ay	} ay
Livermore,	ay		Madison	ay	
<i>Massachusetts,</i>			Bland,	no	
Mr. Ward,	no	} *	M. Smith,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Varnum,	no	} *	Mr. Sharpe,	ay	} ay
<i>Connecticut</i>			Johnston,	ay	
Mr. Huntington,	ay	} ay	<i>South Carolina,</i>		
Ellsworth,	ay		Mr. Mathews,	ay	} ay
Sherman,	ay		Bee,	ay	
<i>New Jersey,</i>			Motte,	ay	
Mr. Witherspoon,	ay	} ay	Eveleigh,	ay	
Houston,	ay		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Walton,	ay	} ay
Mr. Montgomery,	ay	} ay	Few,	ay	
Atlee,	ay		Howly,	ay	
Clymer,	ay				
<i>Maryland,</i>					
Mr. Jenifer,	ay	} ay			
Carroll,	ay				

So it was resolved in the affirmative.

The second amendment passed without division.

On the question to agree to the third amendment, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jones,	ay	} ay
Livermore,	ay		Madison,	ay	
<i>Massachusetts,</i>			Bland,	no	
Mr. Lovell,	no	} no	M. Smith,	ay	
Ward,	no		<i>North Carolina,</i>		
<i>Rhode Island,</i>			Mr. Sharpe,	ay	} ay
Mr. Varnum,	no	} *	Johnston,	ay	
<i>Connecticut,</i>				<i>South Carolina,</i>	
Mr. Huntington,	no	} no	Mr. Mathews,	ay	} ay
Ellsworth,	no		Bee,	ay	
Sherman,	no		Motte,	ay	
<i>New Jersey,</i>			Eveleigh,	ay	
Mr. Witherspoon,	ay	} ay	<i>Georgia,</i>		
Houston,	ay		Mr. Walton,	ay	
<i>Pennsylvania,</i>			Few,	ay	
Mr. Montgomery,	no	} div.	Howly,	ay	
Atlee,	ay				
Clymer,	ay				
T. Smith,	no				
<i>Maryland,</i>					
Mr. Jenifer,	ay	} ay			
Carroll,	ay				

So it was resolved in the affirmative.

The committee further recommended a reconsideration of the question, Whether any person or persons be joined to Mr. Adams in negotiating a peace between these United States and Great Britain.¹

The question for reconsideration having passed in the affirmative,

¹ This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 25, I, folio 273.

Resolved, That two persons be joined to Mr. J. Adams in negotiating a peace between these United States and Great Britain.

Resolved, That Wednesday next be assigned for electing the persons to be joined to Mr. Adams.

The following persons were put in nomination:

Mr. Jay, by Mr. [John] Mathews.

Mr. John Laurens, by Mr. [Richard] Howly.

Mr. Thos. Jefferson, by Mr. M[eriwether] Smith.

Mr. Franklin, by Mr. [James Mitchell] Varnum.

Mr. Jos. Reed, by Mr. [John] Witherspoon.

Mr. William Carmichael, by Mr. [Daniel of St. Thomas] Jenifer.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JUNE 12, 1781

Mr. G[eorge] Partridge, a delegate for Massachusetts, attended.

Mr. Samuel Osgood, another delegate for Massachusetts, attended, and produced the credentials of his appointment, which were read, as follows:

Commonwealth of Massachusetts

By His Excellency John Hancock Esq^r Governor and
SEAL Commander in Chief in and over the Commonwealth of
 Massachusetts.

To all unto whom these Presents shall come Greeting

WHEREAS the General Court of the Commonwealth aforesaid did on the fourteenth of February 1781 agreeable to the Constitution of said Commonwealth appoint The Honble Samuel Osgood Esq^r a Delegate to represent this said Commonwealth in the General Congress of the United States in Conjunction with the Honble Samuel Adams, Elbridge Gerry, James Lovell, George Partridge and Artemas Ward Esq^{rs} who were Appointed on Twenty Second day of September A^o Dⁱ 1780

Now therefore KNOW YE That I do by these Presents and in pursuance of the said Appointment Commission the said Samuel

Osgood Esq^r to represent this Commonwealth in Congress and vest him with all and Singular the Powers and Authorities to the said Office or place of Delegate belonging by Virtue of the Constitution of this Commonwealth and the Appointment aforesaid and to hold said Office until the first day in November next And the said Samuel Osgood Esq^r is hereby required to observe the Instructions which from Time to Time shall be given to him by the General Court of this Commonwealth.

IN TESTIMONY whereof I have caused the Public Seal of this Commonwealth aforesaid to be hereunto affixed.

WITNESS John Hancock Esq^r Governor and Commander in Chief of the said Commonwealth Dated at Boston this twenty third of May in the Year of Our Lord One Thousand Seven Hundred and Eighty one And in the Fifth Year of the Independence of the United States of America.

JOHN HANCOCK

By His Excellency's Command

JOHN AVERY *Secretary*¹

Mr. Richard Potts, a delegate for the State of Maryland, attended and took his seat.

A letter, of 30 May, and one, of 6th, and another, of 7 instant, from General Washington, were read.²

A report from the Board of War was read; Whereupon,

WAR OFFICE *June 9. 1781*

SIR,

By a resolve of the 8th of May last, the Commander in Chief was authorized to arrange the Brigade Chaplains of the Northern, and the Commanding General of the Southern army those of that army. The Pennsylvania line is part of the latter army and it being reduced to two Brigades, of course, one of the three Chaplains must retire. These gentlemen are now in this State, and it would be very inconvenient for all of them to proceed to the Southern Army to have the matter settled among them. We therefore beg leave to report.

Ordered, That the commanding general of the Pennsylvania line, now in that State, arrange the brigade chaplains of that

¹ The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*.

² The letter of 30th May is in the *Papers of the Continental Congress*, No. 152, X, folio 125; that of June 6 is on folio 129 and is printed in the *Writings of Washington* (Ford), IX, 271; that of June 7th is on folio 133.

line, so as to retain no more chaplains therein than are equal to the number of brigades, and certify to the Board of War such as shall be deemed supernumerary, in the same manner as the commanding general of the southern army might have done under the resolve of the 8th day of May last.¹

A report from the Board of War was read, with estimates enclosed of military stores wanted and the expence of transportation:

Ordered, That the same be referred to a committee of three:

The members, Mr. [William Churchill] Houston, Mr. [Joseph] Jones, Mr. [Oliver] Ellsworth.

A report of the Board of War in pursuance of the order, of 22 May last, was read. After debate,

Ordered, That it be re-committed.

A report of the Board of War was read, enclosing a letter of 6, from the Commander in Chief, respecting the Convention prisoners; Whereupon,

WAR OFFICE, *June 12. 1781*

SIR,

The Board communicated their orders for the removal of the Convention Prisoners to his Excellency the Commander in Chief, and have received the enclosed answer, which we have the honor to lay before Congress. The Board have taken no measures for guarding the prisoners farther than Easton in Pennsylvania, leaving to the Commander in Chief either to order a detachment from the army, or call upon the States for militia as guards from Easton to Rutland. As he is of opinion that the prisoners should be halted in Pennsylvania, he has doubtlessly omitted taking measures for furnishing guards and therefore the prisoners will of course halt in that state—and magazines of meat and flour should be immediately laid up for their support. We therefore beg the directions of Congress on the subject.²

Resolved, That Congress approve the reasons given by the Commander in Chief, for halting the Convention prisoners for the present in the State of Pennsylvania.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 291.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 317.

A report from the Board of War for transporting ammunition to the southern army was read:

WAR OFFICE. *June 9, 1781*

SIR,

We have the honor to enclose to Congress an estimate furnished us by the D. Q. M of Pennsylvania, for the sum necessary to transport 200,000 musket cartridges to the Southern army. From the situation of that army this supply is most pressingly wanted, and we beg Congress will be pleased to direct the money to be furnished.¹

Ordered, That it be referred to the Board of Treasury.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR, *June 8, 1781.*

Present Mr. Peters

Col. Grayson

Agreed to report to Congress

Ordered, That the Board of War draw a warrant on the paymaster general in favour of Lieutenant Burgess, of the 4th Maryland regiment, for four hundred and fifty dollars in bills of the new emissions, on account of his pay, any resolution to the contrary notwithstanding, for which sum he is to be accountable.

The Board beg leave to observe that Lieut: Burgess was taken prisoner at the battle of Camden in August last, where the enemy stript him of his clothing and money. He is now in this City on parole, in a very destitute situation, and stands considerably indebted to a person in New Jersey at whose house he has been for some time past dangerously ill of a fever.²

A report from the committee of the week was read; whereupon,

Ordered, That a memorial of Charles Young, ironmaster, be referred to the Board of Treasury;³

That the petition of the Rev^d Robert McMordie a Chaplain in the Pennsylvania Line, praying that Depreciation may be made up to him, with sundry papers inclosed be referred to the Board of War.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 295.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 301.

³ This memorial, dated June 7, 1781, is in the *Papers of the Continental Congress*, No. 41, X, folio 724.

That a petition of the Rev^d Rob: McMurdie be referred to the Board of War;¹

That the letter from John Todd, Jr., requesting to be appointed surveyor in Fayette County west of the Ohio river lie on the table.

That a letter from J. Todd, Jun., lie on the table.²

Ordered, That Friday next be assigned for electing five hospital physicians and surgeons, in the room of those resigned and promoted.³

On motion of Mr. [John] Sullivan, seconded by Mr. [John] Mathews,

Resolved, That letters to and from the superintendent of finance be free from postage.

A motion was made by the delegates of Virginia:

That it be earnestly recommended to the State of Pennsylvania immediately to raise, accoutre and equip a Corps of Cavalry consisting of 192 Troopers with their proper officers including those called for in the Resolution of and to the State of Maryland to raise, accoutre and equip a like Corps consisting of 128 Troopers with their proper officers including those called for in the said Resolution, and to march the same by Detachments as they may be in readiness with all possible expedition to join the army under the command of Maj^r Gen^l the Marquis de la Fayette, without waiting for the March of the Militia Infantry required from the said States respectively in the Resolution aforesaid.⁴

Ordered, That it be referred to the Board of War.

A report from the Board of Admiralty was read; Whereupon,

The Board of Admiralty beg leave to lay before the Honorable, the United States in Congress assembled, the annexed memorial, pre-

¹ This petition, dated June 11, 1781, is in the *Papers of the Continental Congress*, No. 42, V, folio 259.

² This report, in the writing of William Sharpe, is in the *Papers of the Continental Congress*, No. 32, folio 169; Todd's letter, dated April 15, 1781, is in No. 56, folio 97.

³ John Cochran's recommendation of five hospital physicians, dated June 10, 1781, was read. It is in the *Papers of the Continental Congress*, No. 78, VI, folio 37.

⁴ This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 189.

sented to the Board by the Commander and Commissioned officers of the Frigate *Trumbull*, and to submit the following Resolutions.

Whereas by certain acts of Congress of the 11th July 1780, it was enacted that the pay of officers and men, the subsistence of officers in the Sea Service of these States, and the bounty to Seamen and Landsmen who should enter and engage in said service for twelve months should thereafter be considered as, and paid in specie or other money equivalent, and that forty continental dollars, or one Dollar of the Bills which should be issued by the respective States, in pursuance of the acts of Congress of the 18 of March 1780 should be considered as equivalent to a Dollar in specie, in the payment of the said bounty, wages, and subsistence; and whereas since the passing said Acts, those paper Bills of credit have depreciated to such a degree that forty continental Dollars, or one Dollar of the new Emission, have ceased to be an equivalent to one Dollar in specie, and thereby that measure which was intended to encourage and promote the Sea Service hath lost its force and operation. Therefore be it

Resolved, That the balances now due to the officers, seamen, landsmen, and marines in the sea service, and the sums that shall hereafter become due to them, either for wages, subsistence, or bounty shall be paid in specie or other money equivalent, according to the current rate of exchange at the time of payment—any resolutions of Congress to the contrary notwithstanding.

As it appears by the Memorial, that the Manning of the *Trumbull* cannot proceed until the Honorable Congress of the United States shall have decided thereon, it is the wish of the Board, that it may be taken up as soon as shall be convenient. The Board are informed, that some time past, the Sea officers, who were captured at Charlestown in the State of South Carolina, presented a memorial to your Honorable Body praying that their accounts for subsistence while in possession of the Enemy at Charlestown, and Rations during their Parole, until their exchange might be allowed to them; and that the said Memorial was committed to a Special Committee. As a determination of the point respecting the allowance of Rations to the officers while on Parole, will determine in what sense the Resolution of Congress of the 20th of March 1778, which hath been differently con-

strued, is to be understood, and deliver your Board of Admiralty as well as your officers from much embarrassment. They are therefore very desirous that it may receive a speedy determination.

The Board of Admiralty for the want of a general Resolution of Congress determining whether depreciation is to be considered in the adjustment of accounts, due to and from these States, or not, there being no general Resolution on this subject, cannot proceed in the adjustment of accounts with equity and dispatch; they therefore beg leave to submit the following general Resolution, to the wisdom of the United States in Congress assembled:

Resolved, That all debts due to or from these United States shall be paid either in specie or in other money equal thereto, according to the current exchange, between such money and specie at the time of payment.

The Board of Admiralty beg leave to subjoin to the foregoing propositions, a word or two which affects the Honor and interest of the Board. It may not be forgotten that some time ago, your board submitted to your Honorable Body a memorial respecting their salary, and have since taken the liberty to express their wishes for a decision on that memorial, but are not yet informed that their application hath attracted your notice. The Board are not insensible that the time of Congress is engrossed by matters of the greatest consequence, but they trust that they will not be thought impertinent, when they again solicit a moment's attention to their application.

ADMIRALTY OFFICE, *May 31st 1781.*¹

Resolved, That depreciation of pay and subsistence, be settled in behalf of the officers and men of Colonel Armand's legion, in the same manner and on the same principle as is provided for Colonel Hazen's regiment.

The Board of War, to whom was referred the motion of the delegates of Virginia, made report; Whereupon,

[*Resolved*, That it be earnestly recommended to the State of Pennsylvania, to raise, accoutre and equip Moylan's legion-

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 477; the memorial of the officers is on folio 475. Part was passed on this day; for the rest the indorsement says: "August 24, 1781, not to be acted upon."

ary corps to its full complement, the men to be raised for three years, unless sooner discharged:

That it be also earnestly recommended to the said State immediately to raise and equip three troops of militia cavalry, properly officered, including those called for by the act of the 31 May last, to serve with the southern army for three months from the time of their arrival at the said army, each troop to consist of sixty-four non-commissioned officers and privates:

That the said cavalry be marched by detachments, as they are completed, to the southern army; and the militia cavalry discharged in proportion to the numbers inlisted into Moylan's regiment, and joining the said army properly armed and accoutred:

That the said militia cavalry be sent forward with every degree of despatch, without waiting for the march of the militia infantry required by Congress from that State:

That it be earnestly recommended to the State of Maryland to arm, equip, mount and accoutre ~~three~~ two troops of militia horse, including those called for by the resolution of the 31st of May last, consisting of sixty-four non-commissioned officers and privates each, with the proper number of commissioned officers; and send them forward with all possible expedition to the southern army, and without waiting for the march of the infantry requested by Congress from that State; to continue in service three months from the time they join the said army.]¹

Adjourned to 10 o'Clock to Morrow.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 305. The portion in brackets was entered in the Journal by George Bond.

A letter from the Board of War, dated June 8, was read, according to the indorsement, inclosing letters from Governor Lee and Colonel Wood. It is in the *Papers of the Continental Congress*, No. 147, V, folio 309.

WEDNESDAY, JUNE 13, 1781

A letter, of 8th, from E. Forman; and

One, of this day, from J. Moylan, cloathier general;¹ were read.

A report from the committee of the week was read; Whereupon,

The Committee of the week report,

That the memorial of Alexander Murray requesting rank in the Navy of the United States with the letter from Cap^t Nicholson to the Delegates of the State of Maryland, be referred to the Board of Admiralty.

That the letter from John David Weaver a mate in the General Hospital requesting his pay, be referred to the purveyor of the General Hospital.²

Ordered, That a memorial of Alex^t Murray be referred to the Board of Admiralty;

That a letter from John David Weaver be transmitted to the purveyor of the general hospital.

An act of the State of New Jersey was read, empowering Congress to levy and collect the duties described in their resolution, of 3 February last;³

Ordered, That a member be added to the committee appointed to prepare an ordinance for collecting the duties on imports and prizes in the room of Mr. [James] Duane, who is absent:

The member chosen: Mr. [Thomas] McKean.

Ordered, That the report of the committee on the memorial of Mr. Sullivan be re-committed, and that a member be

¹ Forman's letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 485; Moylan's is in No. 78, XVI, folio 195.

A letter of June 2, of the Board of War, calling attention to the report on the Clothier's Department, was read, as the indorsement states. It is in No. 148, I, folio 397.

² This report, in the writing of William Sharpe, is in the *Papers of the Continental Congress*, No. 32, folio 171; Murray's memorial is in No. 41, VI, folio 233; Nicholson's letter, dated April 17, 1781, is in No. 37, folio 491.

³ A copy of this act is in the *Papers of the Continental Congress*, No. 68, folio 573.

added to the committee in the room of Mr. [Jesse] Root, who is absent:

The member chosen, Mr. [Oliver] Ellsworth.

Resolved, That it be, and hereby is recommended to the several states, to which the officers of the hospital and medical department now in service, respectively belong, or of which they are or were inhabitants, to settle the accounts of the said officers for depreciation, on the principles established by the resolution of Congress of the 10th of April, 1780; and to make provision for paying the balances that may be found due, in the same manner with officers of the line:

That each State which shall advance more money in making good the depreciation to its respective citizens than its proper proportion, shall be allowed for the same on account of the United States.

The letter from E. Forman was taken into consideration; Whereupon,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Ezekiel Forman, for one thousand dollars in bills of the new emission, for which sum he is to be accountable.

The Board of War, to whom was referred the letter of 17 April from Governor Trumbull, report,

That from Colonel Nicola's return, it appears that there are no invalids from the Connecticut line at this post, and only thirty at Boston; that, however, as the Commander in Chief has called for the whole to compose part of the garrison at West Point, the Board are of opinion the general's requisition should be complied with:¹

Resolved, That Congress agree to the said report.

Ordered, That the election of a secretary for foreign affairs be postponed till Friday next.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 329.

Ordered, That Mr. [Artemas] Ward have leave of absence.

Congress proceeded to an election; and the ballots being taken, the honourable John Jay was elected.

Ordered, That the election of the other person be postponed till to Morrow.

The Committee reported the draft of a letter to his Most Christian Majesty, which was agreed to as follows: The United States in Congress assembled, to their great, faithful and beloved friend and ally, Lewis the sixteenth, king of France and Navarre.

Great, Faithful, and Beloved Friend and Ally:

~~The United States in Congress assembled~~ We have received your Majesty's letter of the 10 of March. The measures adopted by your Majesty in consequence of the representation made of the distressed situation of our finances, the repeated testimonies of your Majesty's unalterable determination to render the cause of the United States triumphant, and also the affection which your Majesty has been pleased to express for the United States in general, and for each State in particular, demand from ~~them~~ us the strongest sentiments of gratitude.

The important communications made by your Majesty's plenipotentiary have been considered by ~~The United States in Congress assembled~~ us with the greatest attention. The result of ~~their~~ our deliberations will be made known to your Majesty by ~~their~~ our minister plenipotentiary at ~~the~~ your court of Versailles, and will evince the entire confidence ~~Congress~~ we have in your Majesty's friendship and perseverance in the principles which have directed your conduct in maintaining the interest of the United States to this time.

~~The United States in Congress assembled~~ We pray God that He will keep your Majesty, our great, faithful, and beloved friend and ally, in His holy protection.

Done at Philadelphia, the 13 day of June, in the year
of our Lord, 1781, and in the 5th year of our inde-
pendence.

By the United States in Congress assembled.

Your faithful friends and allies.

S. HUNTINGTON, *President*.¹

CH. THOMSON, *Secretary*.

¹ This letter was entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal. A copy is found in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III. The draft, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 25, I, folio 419, a fair copy being on folio 421-4.

The following proposed draft, in the writing of a clerk, except the words in brackets, which are in John Sullivan's writing, is in the *Papers of the Continental Congress*, No. 47, folio 305.

Great faithful and generous Friend and Ally.

The United States in Congress Assembled have ~~been honored with~~ received your Majesty's letter of the 10th day of March. ~~We [and] beg leave to assure your Majesty that~~ the generous and friendly efforts which you have been pleased to make ~~for assisting [them] in supporting the present War~~ in their behalf, and the repeated testimonies you have given ~~us~~ of your unalterable determination to secure ~~the~~ [their] Independence of these states impress ~~us~~ [them] with the most lively sentiments of gratitude.

Your Majesty's Communications through the Chevalier de la Luzerne have been considered with attention and such measures are adopted as ~~we~~ [they] trust will remove every obstacle which might tend to embarrass the negotiation ~~set on foot by~~ [resulting from] the intervention of the Courts of Petersburgh and Vienna.

Your Majesty may be assured of the unalterable adherence of the United States to the treaty of alliance so essential to the happiness and prosperity of the two nations and that on ~~our~~ [their] part no efforts shall be wanting to prevent the common Enemy from availing himself [themselves] of the temporary advantages which ~~he had already~~ [they have lately] gained.

The following letter was also drafted, in the same handwriting as the preceding, the words in brackets being in the writing of John Sullivan. It is in No. 47, folio 313, and is undated:

Great faithful and generous Friend and Ally.

The Congress of the United States though confident of the justice and equity of the mediating powers, and convinced that all your Majesty's friendship and influence will be exerted in their behalf cannot but be apprehensive that the present moment is by no means favorable for them to enter upon a negotiation for peace. Posts which the enemy have by their naval superiority gained a transitory residence in, may be construed by mediating powers into permanent possession [and temporary desultory ravages into decisive conquests.] But notwithstanding these disadvantages Congress convinced of your Majesty's friendship and influence and relying upon the success of their exertions in conjunction with your Majesty's forces in the present campaign have directed their minister plenipotentiary to concur in accepting the mediation of

Footnote—Continued.

their Imperial Majesties rather than persist in prosecuting a war which might in case of refusal become dangerous to both nations.

We [They] herewith transmit copies of ~~our~~ [their] former and present instructions upon this subject. The first will inform your Majesty of the wishes and desires of Congress while the latter will demonstrate their readiness to accept a peace even upon terms where[in] considerable sacrifices must be the consequence of their pacific disposition.

The reasons for the claims of Congress in their former instructions need no explanation, the boundaries as therein described must at once appear to be necessary for securing their future safety and happiness and are clearly comprehended within the Charters granted to these States by the Kings of Great Britain, and the purchases made by them from the natives of the Country. However liable the title acquired by these Charters may be to objections, such objections can have no weight when coming from that Sovereign which made the grants. In case those limits cannot be obtained, Congress consent to leave the settlement to future discussion, and provided neither of these proposals be accepted and a peace should become absolutely necessary to prevent a more unequal and dangerous war, Congress will consent to any other [reasonable] limits on the north and north western parts of these States ~~which may not give the Enemy any lands South of the river Ohio the Lakes Erie and Ontario, and of a line to be drawn from the North east end of Lake Ontario parallel with the River Irrequois, till it intersects the 45th degree of North latitude and then continuing on the 45th degree of north latitude due East to the North west angle of Nova Scotia.~~ The boundaries of the United States on all other sides will not admit of any difficulty or debate; all other points except securing the Independence of the United States agreeable to the tenor of the Treaty made with your Majesty must depend upon the disposition of the mediating and belligerent powers and the Circumstances ~~we~~ [they] may be in at the time of the negotiation.

We [Congress] most earnestly entreat your Majesty's influence to obtain those points if practicable or such of them as may be found so. ~~We should not~~ [They would] do justice [injustice] to your Majesty and ~~to ourselves~~ [themselves] if ~~we~~ [they] concluded this memorial without assuring you that ~~we~~ [they] deem them necessary to the happiness and future prosperity of these States and essentially so for perpetuating the alliance between the two nations.

The following draft, in the writing of Daniel Carroll, is on folio 311. A copy of the first two paragraphs is on folio 309.

The United States in Congress assembled have received your Majesty's letter of the 10th of March.

The measures adopted by your Majesty in consequence of the representation made of the distressed Situation of their finances and the repeated testimonials of your Majesty's unalterable determination to render the cause of the United States triumphant demand from them the strongest sentiments of Gratitude, and also the affection which your Majesty has been pleased to express for the U. S. in general, and for each State in particular ~~claim their most faithful and perpetual attachment.~~

The important communications made by your Majesty's Minister plenipotentiary ~~to the United States~~ have been considered by the United States in Congress assembled with the greatest attention. The Result of their deliberations will be ~~communicated through~~ made known to your Majesty by their Minister Plenipotentiary ~~of~~

Adjourned to 10 o'Clock to Morrow.¹

THURSDAY, JUNE 14, 1781

The committee of the week made report; Whereupon,
Ordered, That a letter, of 12, from Felix Warley, and
A memorial of Peter Summers, be referred to the Board
of Treasury.²

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *June 13th 1781.*

The Board of Treasury having considered the report of the Board of War dated the 9th inst, enclosing an estimate of the expences of transporting 200,000 musket cartridges from this city to Charlottesville in Virginia referred to them by Congress the 12th inst, beg leave to report,

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for one thousand five hundred and ninety-eight dollars and 15/90 in bills of the new emission, in favour of Cha Pettit, assistant quartermaster general, on account of Colonel T. Pickering, quartermaster general, for the purpose of transporting military stores to the southward, for which sum the said T. Pickering, quartermaster general, is to be accountable;

Upon the order of Congress of the 11 instant respecting an advance to the Purveyor of the Military Hospitals for three months'

Footnote—Continued.

~~the United States~~ at your Court, and will evince the entire confidence ~~the United States in Congress assembled~~ have in your Majestys friendship and perseverance in the principles which have directed your Majesty's Conduct, in maintaining the interests of the United States to this time.

We pray God &c^t

¹ According to the indorsement a letter of the 12th from the Board of War transmitting a copy of a letter from the Commander in Chief, which is indorsed: "August 23^d 1781, not to be acted upon," was read this day. It is in the *Papers of the Continental Congress*, No. 147, V, folio 321.

² This report, in the writing of William Sharpe, is in the *Papers of the Continental Congress*, No. 32, folio 173; Warley's letter is in No. 78, XXIV, folio 319; Summers's memorial, dated April 30 and June 11, 1781, is in No. 42, VII, folio 103.

pay to be paid by him on Account to the officers of the Medical Department. The Board submit the following Order:

That a warrant issue on the treasurer in favour of the purveyor of the military hospitals, for six thousand one hundred and sixteen dollars in specie or other money equivalent, being the residue of sixteen thousand one hundred and sixteen dollars specie or other money equivalent, ordered to be advanced to the said purveyor for three months' pay on account of the medical department, for which sum the said purveyor is to be accountable;

That on the application of the inspectors of the continental press, a warrant issue in their favour on Thomas Smith, commissioner aforesaid, for three hundred dollars of the new emissions, to defray the contingent expences of their office, for which sum the said inspectors are to be accountable;¹

TREASURY OFFICE *June 7th 1781*

The Board of Treasury beg leave to report,

That they have had under consideration a letter of the seventh ultimo from Colonel Timothy Pickering Quartermaster General, requesting a supply of money for Jabez Hatch, Deputy Quartermaster for the States of New Hampshire, Massachusetts and Rhode Island which requisition is approved by the Board of War in their letter of the 4 instant. Whereupon the following resolution is submitted:

That a warrant issue on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts, in favour of Charles Pettit, assistant quartermaster general, on account of Colonel T. Pickering, quartermaster general, for forty thousand dollars of the new emissions for the use of his department, and for which the said T. Pickering, quartermaster general, is to be accountable;²

TREASURY OFFICE *June 9th 1781*

The Board of Treasury beg leave to report,

That in order to enable the Treasurer to pay to the officers of the civil list such warrants, as have already been drawn on him in their

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 371.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 367.

favor, and the additional allowance of $\frac{7}{8}$ of a dollar to such as have not received payment; as well as other warrants to issue on him for a quarter's salary due to the last of May past—the following resolution is submitted:

That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twenty-five thousand dollars of the new emission, in favour of Michael Hillegas, treasurer, for which sum he is to be accountable;¹

Ordered, That the report of the Board of Treasury on the accounts of Colonel Donald Campbell be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [Samuel John] Atlee, Mr. [Theodorick] Bland.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *June 13 1781*

Present Mr Peters

Col^o Grayson

The Board have taken into their consideration the memorial of Robert McMurdie and the papers therewith referred, and beg leave to state to Congress,

That whether or not Mr McMurdie is entitled to his depreciation as a regimental chaplain after the Resolve of the 27th of May 1777, depends upon the construction Congress shall be pleased to put on that resolve, which directs that "*for the future there be only one Chaplain allowed in each Brigade of the army.*"

If this amounts to a *supersedes* of the commissions of the regimental Chaplains then held, the Auditors of the State of Pennsylvania are right in their construction and it will settle all future disputes on this head if Congress are pleased to resolve,

That all commissions or appointments of regimental Chaplains be considered as vacated by the resolve of the 27 of May 1777 directing that thereafter there be only one Chaplain allowed in each brigade.

But if it was intended by Congress that no new appointments of Chaplains should be made but those of Brigade Chaplains, and the regimental chaplains left to hold their appointments and exercise

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 369.

their functions until [*casualties happened or promotions or new*] appointments took place it will then be necessary to resolve,

Resolved, That the resolution of the 27 of May, 1777, on the subject of brigade-chaplains, is not to be construed so as to vacate the commissions or appointments of the regimental chaplains, then holding such commissions and performing the duties thereof, until the appointment of brigade-chaplains took place.¹

The committee to whom was referred the letter, of 22 May, from the supreme executive council of Pennsylvania, delivered in their report.

The Committee to whom was referred the letter of Governor Reed of the State of Pennsylvania of 22^d May 1781, stating the proceedings of the Court of Admiralty in the tryal of a person for Piracy, under the ninth article of the confederation, and also certain doubts concerning the power of executing, reprieving, or pardoning criminals in such cases,

Report,

That they have conferred with the said Governor Reed in Council, and the facts in the present case, being as stated in the said letter, the said Governor and Council were of opinion with your Committee, that the tryal was not legal for want of a competent Court, and therefore that the criminal should be reprieved.

Your Committee farther Report that the Question about the powers of executing, reprieving or pardoning in such cases, that may happen hereafter, seems to require the determination of Congress which is submitted.²

The letter of J. Moylan, and the report on the cloathiers' department, were taken into consideration, and after debate:

Ordered, That the report be re-committed, together with the said letter.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 333.

² This report, in the writing of Samuel Livermore, is in the *Papers of the Continental Congress*, No. 20, II, folio 129. The indorsement says: "Debated July 26, 1781. Nothing concluded." It is in the list of postponed reports in No. 31, folio 371.

The report of the Committee of Commerce on the accounts of William Bingham was taken into consideration; Whereupon,

The Commercial Committee report on Mr Bingham's account, That having examined the said account so far as it comprehends transactions merely commercial they find a balance due to him thereon of Five hundred and seven thousand, six hundred and forty one Livres of Martinico, they therefore propose the following resolution—

Ordered, That the Board of Treasury pass to the credit of William Bingham five hundred and seven thousand six hundred and forty-one livres of Martineque, being the balance due to him from the United States on account of commercial transactions in the French West Indies, this balance to bear an interest of six per cent. per annum until paid;

That with respect to certain other charges of salary and expences exhibited in said account by Mr Bingham as the political Agent of Congress in the French West Indies, the Committee not being competent judges thereof, they are submitted to Congress together with a resolution to be adopted in case Congress should be of opinion the said charges are justly founded,

That the Treasury Board pass to the further credit of William Bingham Esq^r one hundred and ten thousand three hundred and twenty four Livres of Martinico due to him as the Political Agent of the United States in the French West Indies.¹

Ordered, That the remainder of the report, so far as relates to charges for salary and expences, be referred to a committee of three:

The members, Mr. [George] Clymer, Mr. [James] Lovell, Mr. [Roger] Sherman.

A report from the Board of Admiralty was read:

ADMIRALTY OFFICE June 5th 1781.

The Commissioners of the Admiralty have the honor to report to the United States in Congress assembled, the following resolutions:

That for the future commissions, bonds and instructions for private armed vessels be issued from the Admiralty Office of these States to

¹ This report is in the *Papers of the Continental Congress*, No. 19, I, folio 353.

the Judges of the Courts of Admiralty in the United States respectively, who are hereby authorized to grant them to such persons as shall apply therefor and perform the conditions, specified in the rules and regulations of Congress.

That as soon as the new commissions, instructions and bonds for private armed vessels shall be printed so many sets of them be issued to the Judges of the Courts of Admiralty respectively as the Commissioners of the Admiralty shall deem necessary for cancelling the commissions and instructions outstanding.

That the new commissions instructions and bonds be substituted in their stead and that commissions bonds and instructions, be issued from time to time from the Admiralty Office on the requisition of the said Judges respectively.

That each set thereof be and it is hereby rated at the price of eight specie Dollars.

That the Commissioners of the Admiralty, be and they are hereby directed to transmit certificates to the Board of Treasury of the sets of papers issued as aforesaid specifying therein the number of them and to whom issued, and that the Board of Treasury charge the same, at the rate aforesaid, to the respective judges, who are hereby required to make quarterly remittances therefor to the Board of Treasury.

And it is further Resolved that the money hence arising be appropriated to the use of the Navy, and paid to the order of the Admiralty.

That the bonds executed by the commanders of private armed vessels be lodged in the Admiralty Office, and a register be there kept of the sets of commissions, bonds, and instructions sent to the Judges of the Courts of Admiralty, and of the names of the captains with their ships or vessels, to whom Commissions shall have been granted.

That the old Commissions now outstanding, be and they are hereby ordered to be delivered by the holders of them to the Judges of the Courts of Admiralty to be cancelled on or before the day of 1781, or sooner if possible; under the penalty of forfeiting the whole of any prize or prizes they shall thereafter take under their old commissions to the use of the United States, provided that they or any of them shall be in port at or before that time, and the Judges be furnished with blank commissions bonds, and instructions, but in case the commander of a private armed vessel, holding an old commission should not arrive in port by the time specified as aforesaid, he shall as soon as may be after his arrival deliver the same into the office of the Judge of Admiralty of the State to which his vessel shall belong,

and if the said vessel should proceed to sea with her old commission the whole of any prize or prizes she may capture by virtue thereof shall be forfeited in manner aforesaid.

That a copy of the first of these resolutions be transmitted by the Board of Admiralty, to each of the supreme Executives of these States, and that they be requested to deliver over to the Judges of the Courts of Admiralty of their respective States, all the bonds and other documents in their hands relative to the private armed vessels to which they may have granted commissions.

That the Judges of the Courts of Admiralty respectively be and they are hereby empowered and directed to pursue, *mutatis mutandis*, the measures recommended by Congress to the Governors or Presidents of the United States to prevent the abuses which the British make of papers, or clearances taken in American prizes in their resolution of the 11th of November 1780, and all other measures touching the commissionating private armed vessels which have been by Congress recommended to the Governors or Presidents or Supreme Executives of these United States.¹

On motion of Mr. [John] Mathews, seconded by Mr. [William] Sharpe.

That the minister plenipotentiary of these United States at the Court of Versailles, be authorised and empowered to offer Lieutenant General Burgoyne in exchange for the Hon. H. Laurens.²

On the question to agree to this, the yeas and nays being required by Mr. [Samuel John] Atlee,

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Sullivan,	ay	} ay	Mr. Varnum,	ay	} *
Livermore,	ay		<i>Connecticut,</i>		
<i>Massachusetts,</i>			Mr. Huntington,	ay	} ay
Mr. Lovell,	ay	} ay	Ellsworth,	ay	
Partridge,	ay		Sherman,	ay	
Ward,	ay		<i>New Jersey,</i>		
Osgood,	ay		Mr. Houston,	no	} *

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 507.

² This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

<i>Pennsylvania,</i>			<i>North Carolina,</i>		
Mr. Montgomery,	ay	} no	Mr. Sharpe,	ay	} ay
Atlee,	no		Johnston,	ay	
Clymer,	no		<i>South Carolina,</i>		
T. Smith,	no		Mr. Mathews,	ay	} ay
<i>Delaware,</i>		Motte,	ay		
Mr. Rodney,	ay	Eveleigh,	ay		
McKean,	ay	<i>Georgia,</i>			
<i>Maryland,</i>			Mr. Walton,	ay	} ay
Mr. Jenifer,	ay		Few,	ay	
Carroll,	no		Howly,	ay	
Potts,	ay				
<i>Virginia,</i>					
Mr. Jones,	ay	} ay			
Madison,	no				
Bland,	ay				
M. Smith,	ay				

So it was resolved in the affirmative.¹

On motion of Mr. [William] Sharpe, seconded by Mr. [Thomas] McKean:

Resolved, That two more persons, making in the whole four, be joined to the honorable John Adams in negotiating a treaty of peace with Great Britain;

Mr. Henry Laurens was put in nomination by Mr. [Theodorick] Bland.

Congress proceeded to the election; and the ballots being taken:

The honourable Benjamin Franklin,

The honourable Henry Laurens, and

The honourable Thomas Jefferson, were elected.

Adjourned to 10 o'Clock to Morrow.

¹ From this point the proceedings for the day were entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal.

FRIDAY, JUNE 15, 1781

A letter, of 12, from Charles Pettit, assistant quartermaster general, was read, desiring leave to resign:¹

Ordered, That it be referred to a committee of three:

The members, Mr. [William Churchill] Houston, Mr. [Roger] Sherman, Mr. [Samuel John] Atlee.

A report from the Board of Admiralty was read:

ADMIRALTY OFFICE *June 12th 1781.*

The Board of Admiralty beg leave to inform the United States in Congress assembled, That they have repeatedly called upon James Wharton, who was long before the establishment of this Board appointed a Commissioner of Stores, and who hath received large sums from the Navy Board to purchase articles for fitting out ships, to exhibit his accounts, and he hath as often answered that when he received his appointment, he did not understand that he was to do the business of a clerk, and refuses to exhibit his accounts unless he can be furnished with a clerk to post his books. He says that when he shall have satisfied the demands against him for articles purchased for the public, the United States will be indebted to him.

How this is we cannot know until his accounts are exhibited. The Board wish that your honorable body would determine whether he should be allowed a clerk for the purpose mentioned or not.²

Ordered, That it be referred to the foregoing committee.

A report from the Board of Admiralty on the letter, of the 25 April last, from Admiral Arbuthnot, was read:

Ordered, That it be re-committed.

A report of the Board of Admiralty on the letters from J. D. Schweighauser was read.

The committee of the week made report; Whereupon,

Ordered, That the memorial of William Thorne be referred to the Board of War.³

¹ This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 395.

² This report is in the *Papers of the Continental Congress*, No. 37, folio 483.

³ This memorial, dated June 12, 1781, is in the *Papers of the Continental Congress*, No. 41, X, folio 127.

The committee to whom was referred the letter, of 3 February last, from General Washington, delivered in a report.¹

A motion was made by Mr. [Thomas] McKean, seconded by Mr. [George] Partridge, to reconsider the third amendment proposed by the committee, and adopted on the 11th; and on the question to reconsider, the yeas and nays being required by Mr. [George] Partridge—

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	no	}	Mr. Jenifer,	no	}
<i>Massachusetts,</i>			Carroll,	no	
Mr. Lovell,	ay	}	Potts,	no	
Partridge,	ay		<i>Virginia,</i>		
Osgood,	ay		Mr. Jones,	no	}
<i>Rhode Island,</i>			Madison,	no	
Mr. Varnum,	ay	}	Bland,	ay	
<i>Connecticut,</i>			M. Smith,	no	
Mr. S. Huntington,	ay	}	<i>North Carolina,</i>		
Ellsworth,	ay		Mr. Sharpe,	no	}
Sherman,	ay		Johnston,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Witherspoon,			Mr. Mathews,	no	}
Houston,	no	}	Bee,	no	
<i>Pennsylvania,</i>			Motte,	no	
Mr. Atlee,	no	}	Eveleigh,	no	
Clymer,	no		<i>Georgia,</i>		
T. Smith,	ay		Mr. Walton,	no	}
<i>Delaware,</i>			Few,	no	
Mr. Rodney,	ay	}	Howly,	no	
McKean,	ay				

So it passed in the negative.

¹ From this point the proceedings for the day were entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal, but from the latter the commission to the ministers plenipotentiary was omitted. A copy of the commission is found in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III.

INSTRUCTIONS TO THE HONOURABLE JOHN ADAMS, BENJAMIN FRANKLIN, JOHN JAY, HENRY LAURENS AND THOMAS JEFFERSON, MINISTERS PLENIPOTENTIARY ON BEHALF OF THE UNITED STATES OF AMERICA TO NEGOTIATE A TREATY OF PEACE.

You are hereby authorised and instructed to concur, in behalf of these United States, with his Most Christian Majesty, in accepting the mediation proposed by the Empress of Russia and the Emperor of Germany.

You are to accede to no treaty of peace which shall not be such as may, 1st, effectually secure the independence and sovereignty of the thirteen states, according to the form and effect of the treaties subsisting between the said states and his Most Christian Majesty; and, 2d, in which the said treaties shall not be left in their full force and validity.

As to disputed boundaries and other particulars, we refer you to the instructions formerly given to Mr. Adams, dated 14 August, 1779, and 18 October, 1780, from which you will easily perceive the desires and expectations of Congress; but we think it unsafe, at this distance, to tie you up by absolute and peremptory directions upon any other subject than the two essential articles abovementioned. You are therefore at liberty to secure the interest of the United States in such manner as circumstances may direct, and as the state of the belligerent and disposition of the mediating powers may require. For this purpose, you are to make the most candid and confidential communications upon all subjects to the ministers of our generous ally, the King of France; to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence; and ultimately to govern yourselves by their advice and opinion, endeavouring in your whole conduct to make

them sensible how much we rely on his Majesty's influence for effectual support in every thing that may be necessary to the present security, or future prosperity, of the United States of America.

If a difficulty should arise in the course of the negotiation for peace, from the backwardness of Britain to make a formal acknowledgment of our independence, you are at liberty to agree to a truce, or to make such other concessions as may not affect the substance of what we contend for; and provided that Great Britain be not left in possession of any part of the thirteen United States.¹

SAMUEL HUNTINGTON, *President*.

CH. THOMSON, *Secretary*.

The committee reported the draft of a commission to the ministers plenipotentiary for negotiating a peace, which being amended, was agreed to as follows:

The United States of America in Congress assembled—

To all to whom these presents shall come, send greeting.

Whereas these United States, from a sincere desire of putting an end to the hostilities between his Most Christian Majesty and these United States on the one part, and his Britannick Majesty on the other, and of terminating the same by a peace founded on such solid and equitable principles as reasonably to promise a permanency of the blessings of tranquillity, did heretofore appoint the honourable John Adams, late a commissioner of the United States of America at the Court of Versailles, late delegate in Congress from the State of Massachusetts, and chief justice of the said State, their minister plenipotentiary, with full powers, general and special, to act in that quality, to confer,

¹ This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, I, folio 445.

treat, agree and conclude with the ambassadors or plenipotentiaries of his Most Christian Majesty and of his Britannick Majesty, and those of any other princes or states whom it might concern, relating to the re-establishment of peace and friendship: And whereas the flames of war have since that time been extended, and other nations and states are involved therein:—Now KNOW YE, That we, still continuing earnestly desirous, as far as depends upon us, to put a stop to the effusion of blood, and to convince the powers of Europe that we wish for nothing more ardently than to terminate the war by a safe and honourable peace, have thought proper to renew the powers formerly given to the said John Adams, and to join four other persons in commission with him; and having full confidence in the integrity, prudence, and ability of the honourable Benjamin Franklin, our minister plenipotentiary at the Court of Versailles, the honourable John Jay, late President of Congress, and chief justice of the State of New York, and our minister plenipotentiary at the Court of Madrid, and the honourable Henry Laurens, formerly President of Congress, and commissioned and sent as our agent to the United Provinces of the low countries, and the honourable Thomas Jefferson, governour of the Commonwealth of Virginia—have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint the said Benjamin Franklin, John Jay, Henry Laurens and Thomas Jefferson, in addition to the said John Adams, giving and granting to them the said John Adams, Benjamin Franklin, John Jay, Henry Laurens and Thomas Jefferson, or the majority of them, or of such of them as may assemble, or in case of the death, absence, indisposition, or other impediment of the others, to any one of them, full power and authority,

general and special, conjunctly and separately, and general and special command to repair to such place as may be fixed upon for opening negotiations for peace; and there for us and in our name to confer, treat, agree and conclude with the ambassadors, commissioners, and plenipotentiaries of the princes and states whom it may concern, vested with equal powers, relating to the establishment of peace; and whatsoever shall be agreed and concluded for us and in our name, to sign, and thereupon make a treaty or treaties, and to transact every thing that may be necessary for completing, securing and strengthening the great work of pacification, in as ample form, and with the same effect as if we were personally present and acted therein: hereby promising, in good faith, that we will accept, ratify, fulfil and execute whatever shall be agreed, concluded and signed by our said ministers plenipotentiary, or a majority of them, or of such of them as may assemble, or in case of the death, absence, indisposition, or other impediment of the others, by any one of them; and that we will never act nor suffer any person to act contrary to the same, in whole or in any part. In witness whereof we have caused these presents to be signed by our President, and sealed with his seal.

Done at Philadelphia, the fifteenth day of June, in the year of our Lord, one thousand seven hundred and eighty-one, and in the fifth year of our independence. By the United States in Congress assembled.

SAML. HUNTINGTON, *President*.

CH. THOMSON, *Sec'y*.¹

¹ This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, I, folio 425. On folios 155 and 157 are the following, the part in brackets in Daniel Carroll's writing; the rest in that of John Sullivan:

[The Committee appointed to prepare the forms of Commissions for the Ministers Plenipotentiary chosen to negotiate a Peace, and to whom were referred several other papers,

The committee also reported the form of powers authorising the ministers plenipotentiary to accept the mediation of the courts of Petersburg and Vienna for establishing peace between the belligerent powers, which was read.

Adjourned to 10 o'Clock to Morrow.

FOOTNOTE—Continued.

Report the following draught of a Commission to the Ministers Plenipotentiary to negotiate a peace. N° 1.

And the following draughts of a Commission to the said Ministers to accede to the Mediation of the Empress of Russia, and the Emperor of Germany. N° 2.

And report to Congress to order a Counterpart of the last proposed Com^{an} *mutatis mutandis* the order in which the Emperor of Germany and the Empress of Russia are named.

Your Committee request further time to report on the other several matters referred to them.]

The United States of America in Congress assembled To all to whom these present Letters shall come Greeting: ~~Congress~~ We being unwilling to omit any thing on ~~their~~ ~~part~~ which may depend on us for accelerating the consummation of the great and salutary work of peace, and reestablishment of the public tranquillity confiding entirely in the capacity, experience, zeal and fidelity for the service of the United States of ~~for these and divers other good causes and considerations~~ ~~them~~ us thereunto moving ~~we~~ have commissioned and appointed, and by these presents signed by the hand of ~~their~~ our President do commissionate and appoint, and have given and hereby do give to them, and either two of them, and to any one of them separately, in case of the death, absence or indisposition of the others, full power Commission and special mandate for and in ~~the~~ our name of the United States in Congress assembled, and in quality of ~~their~~ our Embassadors Extraordinary and Plenipotentiary to accept the Mediation of the Imperial Courts of Petersburg and Vienna, and to settle with the Embassadors and Ministers that may assemble for the purpose of negotiating a peace, furnished with full powers in good form on the part of their Masters, and to agree upon, conclude and sign such treaty articles and conventions as the whole of them jointly, or the major part of them or any one of them separately in case of the death, absence or indisposition of the others shall think proper and particularly a definitive treaty which may reestablish a solid peace and lasting perfect union, between the United States and Great Britain as also the auxiliaries and allies of either the ~~belligerent~~ power hereby ~~promising~~ pledging the faith of the United States to accept and hold firm and valid forever and to execute punctually all that the said

or the major part of them or any one of them in case of the death, absence or indisposition of the others may stipulate, promise and sign by virtue of the present powers without ever contravening or permitting the same to be contravened for any cause or under any pretence whatsoever, and also for us to prepare and make out letters of ratification in good form to be exchanged in proper time. In witness whereof ~~Congress~~ we have caused ~~their~~ our seal to be affixed to these presents.

Done in Congress the day of 1781

SATURDAY, JUNE 16, 1781

A letter, of 24 May, from Jacob Bayley and others was read:¹

Ordered, That it be referred to the Commander in Chief.

A report from the committee of the week was read; Whereupon,

Ordered, That a letter of John David Weaver be referred to the Board of War.²

The report of the committee, ||consisting of Mr. Jones, Mr. McDougall, Mr. Sullivan,|| on the letter of February 3, from General Washington was read, Whereupon:

The Committee to whom Gen^l Washington's letter of the 3^d of February last was referred, beg leave to report the following resolutions, viz:

Resolved That General, Special and Garrison Courts Martial in the Army of these United States are hereby authorized to sentence delinquents to receive any number of lashes not exceeding Five hundred, or may order such delinquents to serve on board any armed vessel belonging to these States, or to labor on public works, for a reasonable term, according to the discretion of the said Court—any former act or resolution to the contrary notwithstanding.

Resolved, That all acts and regulations of Congress empowering commanding officers of regiments or corps, to grant furloughs to non-commissioned officers and soldiers belonging to their respective corps, be, and hereby are repealed; and that in future no furloughs be granted but by the Commander in Chief, or the commander of a separate department, or by such persons as they or either of them may appoint for that purpose:

That all furloughs be in the form following:

[The bearer hereof in the regiment of
is hereby permitted to be absent on furlough for days from

¹ This letter is in *Washington Papers*, 97, folio 9.

² This letter, dated June 15, 1781, is in the *Papers of the Continental Congress*, No. 147, V, folio 389.

the date hereof: and all officers, civil and military, are requested to suffer him to pass to _____ and return to his regiment without molestation, he behaving as becometh him. This permit to be valid no farther than to the above-mentioned place, and no longer than for the above-mentioned time. Given at _____ the _____ day of _____ 178 _____ Registered in the books of the regiment.

Adjutant.]

That all discharges be in the following form:

[The bearer hereof _____ in the _____ regiment of _____ and in captain _____ company, having served during _____ being the term for which he was engaged, is hereby discharged from the said regiment, in which we certify that he hath behaved as a brave and faithful soldier. Given at _____ this _____ day of _____ 178 _____ Registered in the books of the regiment.

Adjutant.]

That the furloughs and discharges granted, be registered in the books of the regiment:

That when any non-commissioned officer or soldier shall return home, and does not within ten days after his return, produce his furlough or discharge to the nearest magistrate, he shall be liable to be apprehended and treated as a deserter:

Ordered, That the Board of War procure printed forms of furloughs and discharges, and forward them, from time to time, to the Commander in Chief.¹

The committee having recommended that general and garrison courts-martial in the army of these United States, be authorised to sentence delinquents to receive any number of lashes, not exceeding 500, or may order such delinquents to serve on board any armed vessel belonging to these states, or to labor on public works for a reasonable term, according to the discretion of the said court, any former act or resolution to the contrary notwithstanding.

¹ This report, except the paragraphs in brackets, is in the *Papers of the Continental Congress*, No. 19, VI, folio 343. It is in the writing of John Sullivan.

On the question to agree to this, the yeas and nays being required by Mr. [Roger] Sherman,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} div.	Mr. Jenifer,	no	} ay
Livermore,	no		Carroll,	ay	
<i>Massachusetts,</i>			Potts,	ay	
Mr. Partridge,	no	} no	<i>Virginia,</i>		
Osgood,	no		Mr. Madison,	ay	} no
<i>Rhode Island,</i>			Bland,	no	
Mr. Varnum,	no	} *	M. Smith,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Huntington,	no	} no	Mr. Sharpe,	no	} div.
Ellsworth,	no		Johnston	ay	
Sherman,	no		<i>South Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Mathews,	ay	} ay
Mr. Montgomery,	ay	} ay	Motte,	ay	
Atlee,	ay		Eveleigh,	ay	
Clymer,	ay		<i>Georgia,</i>		
T. Smith,	ay		Mr. Walton,	ay	} div.
<i>Delaware,</i>			Howly,	no	
Mr. Rodney,	no	} no			
McKean,	no				

So it passed in the negative.

Ordered, That a member be added to the Board of Treasury in the room of Mr. [William Churchill] Houston, who is excused:

The member, Mr. [Samuel] Osgood.

Adjourned to 10 o'Clock on Monday.

MONDAY, JUNE 18, 1781

A letter, of 16, from James Price; and

A letter, of 5 May, from Major General Greene, were read.

A letter, of 15, from S. Patterson, was read:¹

Ordered, That it be referred to the Board of Treasury.

¹ Price's letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 403; Greene's is in No. 155, II, folio 51; Patterson's is in No. 78, XVIII, folio 399.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on application of Mr. [Nicholas] Eveleigh, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for one thousand dollars of the new emission, for which the State of South Carolina is to be accountable;¹

TREASURY OFFICE June 15th 1781

The Board of Treasury having considered the letter from Felix Warley to the Honorable M^r Bee, read in Congress the 14th inst and referred, beg leave to report.

That the Acct. exhibited by the said Felix Warley Auditor for the southern district for settlement can't in its present state be liquidated the whole being without vouchers to support the charges and would only create an unreasonable delay to M^r Warley to refer it in the usual way for settlement; for his immediate relief the Board submit to Congress, as the most eligible mode as well for supplying M^r Warley, as securing the U. States, that the Delegates in Congress from the State of South Carolina draw such a sum of money, as they may deem necessary for M^r Warley's supply, the State of South Carolina to be made accountable, or to advance a sum of money to M^r Warley he to be accountable, until he can procure the requisite documents to enable him to settle his Accounts.

The Board further report,

That a warrant issue on the treasurer in favour of Charles Pettit, assistant quartermaster general, on account of Colonel T. Pickering, quartermaster general, for twelve thousand three hundred dollars in old paper money issued by the State of Virginia, and now in the said treasurer's hands to be applied in the quartermaster's department in the State of Virginia, and for which sum Colonel T. Pickering, quartermaster general, is to be accountable:²

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 379.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 375.

Ordered, That so much as relates [to] Felix Warley be re-committed.

A report from the Board of War was read; Whereupon,

WAR OFFICE, *June 12. 1781*

SIR,

The Board have the honor to lay before Congress a letter of General Muhlenbergh requesting that certain expenses may be reimbursed him

They beg leave to report

Ordered, That a warrant issue on Mr. Hopkins, commissioner of the continental loan office for the State of Virginia, in favour of Brigadier General Muhlenberg, for five hundred dollars of the new emission, for which he is to be accountable;¹

WAR OFFICE *June 14. 1781*

SIR,

The Board have the honor to lay before Congress, a letter from Captain Vanherr on the subject of pay and depreciation for his men. If a sum of money could be procured in part of their pay, the Board conceive it just and reasonable that they should receive it, and as they are at a distance from head quarters, it may be proper for Congress to resolve,

That the Board of War draw a warrant on the paymaster general for three months' pay for the officers and men of Captain Van Herr's troop of Marechaussee;

Resolved, That depreciation of pay and subsistence be settled in behalf of the officers and men of Captain Van Herr's troop of Marechaussee, in the same manner and on the same principles as is provided for Colonel Hazen's regiment.²

Ordered, That a warrant issue on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts, in favour of the paymaster general, for seven hundred and forty-eight dollars and 60/90 of a dollar, in bills of the new emission, equal to 29,946 70/90 dollars of the old

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 345.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 337.

emissions, for the pay of the detachment of Invalids at Boston, from the 1st November, 1779, to 1 August, 1780;

And another warrant on the said N. Appleton, commissioner aforesaid, in favour of the said paymaster general, for one thousand six hundred and thirty-four dollars and 51/90 of a dollar in bills of the new emissions, for the pay of the aforesaid detachment for the months of August and September last, the said paymaster general to be accountable;

WAR OFFICE *June 13. 1781*

SIR,

The Board have the honor to lay before Congress the enclosed letter from sundry Gentlemen, prisoners of War returned from Charlestown, and beg leave to report.

Ordered, That the Board of War draw warrants on the paymaster general in favour of the following officers on account of their pay, in bills of the new emission; namely: of William Scott, lieutenant colonel 1st South Carolina regiment, nine hundred and sixty dollars; of William Lewis, major 10th Virginia regiment, seven hundred and eighty dollars; of Felix Warley, captain South Carolina line, six hundred dollars; of Charles Brown, lieutenant 1st South Carolina regiment, three hundred and eighty dollars:

We have calculated these sums according to what has been allowed officers in general, if Congress deem farther advances expedient, they will be pleased to direct them to be made.

P. S. The passage monies the officers were obliged to pay amount to £10 Sterling a piece to £40 Sterling. It is hard upon them to pay this out of their private funds, and indeed they represent it as impossible. Therefore we lay the matter before Congress for their directions.¹

Ordered, That the Board of War take proper measures for paying one hundred and seventy-eight dollars, or the value thereof in the new emissions, for the passage of sundry officers from Charlestown to Philadelphia.²

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 357.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 361.

WAR OFFICE *June 16. 1781*

SIR,

Finding by the representations of the Director and Purveyor of the Hospitals that difficulties have arisen in the business of granting Warrants for part of the sums reported by us to be necessary for the Hospital Department as to the amount of the equivalent for the specie sums mentioned in our report we have multiplyed those sums by four and have taken the liberty to report,

Ordered, That instead of the sum of eight thousand five hundred and forty [five] dollars and one third in specie or an equivalent, ordered to be granted to the purveyor of the military hospitals by the order of the 11 instant, the Board of Treasury report a warrant on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of the said purveyor, for thirty-four thousand one hundred and eighty-one dollars and one-third of a dollar, of bills of the new emissions; and instead of the sum of four thousand two hundred dollars in specie or an equivalent, mentioned in another order of the 11th instant, the Board of Treasury report a warrant on Thomas Smith, commissioner aforesaid, for sixteen thousand eight hundred dollars, in bills of the new emissions in favour of the said purveyor, for the purposes mentioned in the said order, for which sums the said purveyor is to be accountable.

We beg leave to observe that a late misfortune having happened to Hospital Stores in Virginia and the pressing necessities of the Department in all quarters require an immediate grant of the monies before mentioned.¹

The committee, ||consisting of Mr. Sullivan, Mr. Cornell, Mr. Sharpe,|| to whom was re-committed their report on the cloathier's department, together with the letter of J. Moylan, cloathier-general, delivered in a report, which was taken into consideration; and, thereupon,

The Committee to whom General Wilkinson's letter, respecting the Cloathier's Department was referred beg leave to submit the following Resolution, viz.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 353. The amount as given in the report is eight thousand five hundred and forty-five dollars and one third.

Resolved, That all the rules and regulations respecting the Cloathier's Department be and hereby are *repealed*. And that it be recommended to the several states to furnish their troops respectively with Cloathing until the first day of ~~July next~~ ~~November next~~ September next.

Resolved, That all state purchases of cloathing on continental account, and all state appointments and regulations in the cloathing department on continental account, be abolished on the first day of ~~July~~ September; at or before which time, the sub and agent cloathiers are to deliver to the cloathier general or his order, all cloathing procured at continental expence which they may then have on hand, taking his receipt therefor, a duplicate whereof to be transmitted to the ~~Board of~~ treasury office.

On the question to agree to this, the yeas and nays being required by Mr. [Roger] Sherman,

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jones,	ay	} ay
Livermore,	ay		Madison,	ay	
<i>Massachusetts,</i>			Bland,	ay	
Mr. Partridge,	no	} no	M. Smith,	ay	
Osgood,	no		<i>North Carolina,</i>		
<i>Rhode Island,</i>			Mr. Sharpe,	ay	} ay
Mr. Varnum,	ay	} *	Johnston,	ay	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Huntington,	ay	} div.	Mr. Mathews,	ay	} ay
Sherman,	no		Bee,	ay	
<i>Pennsylvania,</i>			Motte,	ay	
Mr. Montgomery,	ay	} ay	Eveleigh,	ay	
Atlee,	ay		<i>Georgia,</i>		
Clymer,	ay		Mr. Walton,	ay	} ay
Smith,	ay		Few,	ay	
<i>Delaware,</i>			Howly,	ay	
Mr. Rodney,	ay	} ay			
<i>Maryland,</i>					
Mr. Jenifer,	ay				
Carroll,	ay				
Potts,	ay				

So it was resolved in the affirmative.

Resolved, That the cloathier general, ~~on or before the first day~~ in the month of June, annually, make and deliver in to the Board of War, an estimate of cloathing and disbursements for cloathing for a year from the first day of November then next, that Congress may be enabled to furnish the proper sums, and adopt the necessary measures for procuring the same:

~~That the Cloathier General be authorised to appoint four purchasing Agents who are from time to time to receive his instructions for procuring necessary Articles of Cloathing. The Cloathier General to have the immediate controul over the said Agents and is to be responsible for their conduct.~~

~~All Articles imported from Europe to be received and when necessary, made up and forwarded by the respective Agent Clothiers.~~

~~That the Cloathing Agents be and they are hereby directed to transmit weekly General accounts of Prices of the articles within their Departments, that the Cloathier General with the concurrence of the Board of War, may so far as may be prevent competition in purchases and extravagance in prices.~~

That all non-commissioned officers and soldiers, ~~artificers and waggoners~~ who are or may hereafter be inlisted during the war, be annually furnished with one regimental coat, full made; one cloth vest; one pair of cloth breeches; one pair of woollen overalls; two pair of woollen hose; two pair of woollen socks; one felt hat or leather cap; four shirts; two pairs of linen overalls; [one leather or worsted stock]¹ four pairs strong shoes; one blanket; one rifle shirt, and one pair of woollen gloves: also, one pair of shoe-buckles and one stock-clasp, every two years:

The dragoons to receive two pair of boots and one pair of spurs, instead of the shoes and buckles, annually; also, a horseman's cloak every two years.

[That the Commander in Chief, and the commanding general in a separte department, respectively be, and hereby

¹ The words in brackets are in the committee report, but not in the Journal.

are, authorised to direct what cloathing shall, from time to time, be dealt out to the artificers and waggoners, having regard to the nature of their service and the terms of their contract, and time for which they are engaged:]¹

That summer cloathing be ready to be issued on the 15th day of April, annually, and the winter cloathing on the 1st day of November following, and be delivered at such time as the Commander in Chief or commanding general, in a separate department, shall direct:

That the cloathier general deal out the cloathing regimentally; and keep regular accounts against the respective regimental cloathiers, taking particular care to have the cloathing equally and impartially distributed when it is found incompetent for the whole army:

That previous to the day of general issue, the regimental cloathiers settle their accounts with the cloathier general, and receive his certificates of the arrearages of cloathing due to their respective regiments, and present him with a return of the number of men for whom cloathing is to be drawn on the day of general issue; the said return to be examined and certified by the officer commanding their respective regiments, and signed by the brigadier or officer commanding the brigade:

That all extra issues to detachments, or for accidental loss of cloathing, be by certificate of the commanding officer of the regiment or detachment to which the non-commissioned officers or soldiers, in whose behalf such application is made, shall belong; the said certificate being approved and signed by the Commander in Chief or commanding general of a separate army:

That all issues of cloathing be made from the magazines or places of general issue with the army; and, to avoid the necessity of detached issues, the officers commanding parties or detachments are to be answerable that they are supplied,

¹ This paragraph is not in the committee report.

so far as may be, from the magazines or stores at camp, previous to their leaving the army to which they belong:

That no article of cloathing be issued by the cloathier general, his deputies or assistants, but by return and certificates made and approved as aforesaid:

That no non-commissioned officer or soldier, ~~artificer or waggoner~~ who is not engaged during the war, or for the term at least of one year, be furnished with any article of cloathing:

That the cloathier general, from time to time, notify the paymaster general of all surplusages of cloathing, specifying the corps to which they belong, that stoppages may be made therefor:

~~That the Cloathier-General be authorised to appoint six Deputies, and employ one Clerk and one Labourer with each allowing no more than Current wages to the Clerks and Labourers.~~

That he make return to the Board of War of all cloathing on hand, and persons employed in the department, with the wages given to each, regularly, once in every two months:

~~That the Cloathing Agents transmit with every parcel of Cloathing purchased or imported and sent on to the magazines an exact Invoice containing quantities, species, and, if purchased, prices.~~

That the quartermaster general, and his deputies in the several states, shall, on the requisitions of the ~~said agent cloathiers respectively~~ cloathier general, furnish the means of transportation of all articles of cloathing from the places where imported, received, or purchased, to the places of deposit; and a careful waggon-master or conductor, to be appointed by the quartermaster general or some of his deputies, shall proceed with the cloathing, who shall be answerable for all deficiencies on the road, unless they shall be able to shew that the same happened by unavoidable accidents, and not through their misconduct or want of attention:

That in case of injuries or deficiencies happening in the transportation of cloathing, the cloathier stationed at the magazine or place of deposit, shall represent the matter to

the nearest commanding officer of the troops of the United States, that the waggon-master or conductor, having had charge of the clothing so damaged or deficient, may be tried by a court martial, and if found guilty, compelled to restore the goods lost, or their value, or make satisfaction for damages accrued through his negligence or mismanagement, or be punished according to the nature of the offence by judgment of the court martial:

That the cloathier general have the management, direction and superintendance of hides, subject to the orders of the Board of War, with full power to call for proper returns from such persons as have heretofore had the management of hides:

That all commissaries make monthly returns to the cloathier general of the hides on hand, and that the commissary general make monthly returns to him of all the live cattle delivered over to the commissaries of the army:

That the quartermaster general or his deputy, on the application of the cloathier general, or either of his deputies, furnish waggons for transporting raw or manufactured hides to such places as they shall direct:

That the cloathier general, with the concurrence of the superintendant of finance, be authorised to appoint such number of persons to transact the business of the cloathing department, during the present campaign, as they may, from time to time, find necessary, and to ascertain their wages:

That the cloathier general make monthly returns to the Commander in Chief:

That all resolutions heretofore passed respecting the cloathing and hide departments, inconsistent with this arrangement and the resolutions now passed, be, and they are hereby repealed.¹

¹ This report is in *Papers of the Continental Congress*, No. 31, folio 75, the last six paragraphs being in John Sullivan's writing. A copy of the resolutions as passed is in No. 19, VI, folio 349.

The committee of the week elected:

Mr. [George] Partridge, Mr. [Thomas] Rodney, Mr. [Richard] Potts.

Ordered, That the report of the Board of Treasury on the allowance made for burning the bills of the old emissions be referred to a committee of four:

The members, Mr. T[homas] Smith, Mr. [Isaac] Motte, Mr. [Thomas] McKean, Mr. [Roger] Sherman.

A motion was made by Mr. [James Mitchell] Varnum:

Ordered, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Theoderick] Bland, Mr. [John] Sullivan.

Ordered, That the Board of War report a plan of succession to vacancies in the hospital and medical lines of the army.

The report of the committee || consisting of Mr. Ward, Mr. Sullivan, and Mr. Motte || on the memorial of Colonel Hazen was taken into consideration; Whereupon,

The committee to whom Colonel Hazen's memorial of the 31st of May was referred beg leave to submit the following resolutions; viz.

Resolved, That the cloathier general furnish the Canadian officers belonging to Colonel M. Hazen's regiment, with a suit of cloathes, on the same terms cloathing hath been furnished by the State of Massachusetts to their officers:

That one year's interest, upon the balances due on the 1st of January, 1780, to the Canadian officers and soldiers of that regiment, be added to and included in their certificates:

~~That each of the Canadian soldiers in that regiment who were enlisted in the year 1777 and are now in service receive twenty pounds specie in lieu of the state and town bounties.~~

That Congress will make the twenty-four dollars, granted as a bounty to those soldiers, equal in value to the bounty or allowance of the State of Massachusetts granted to the soldiers of that State serving in the same regiment; and that

the Board of Treasury add the same to their certificates, in lieu of the sum of twenty-four dollars granted by the resolution of the 20th of April last.

That sixteen hundred and ninety three dollars be advanced in specie or bills of exchange to Colonel Moses Hazen in part of the balance due to him from the United States.¹

Ordered, That so much of the report as relates to a grant of money to Colonel Hazen be referred to the Board of Treasury.

A motion was made by Mr. [John] Sullivan:

Ordered, That it be referred to the Board of Admiralty.

The committee appointed to confer with the minister plenipotentiary of France, report,

That on the second conference with the minister of France, he communicated some parts of a despatch dated the 7th of August, 1780, the first part relating to losses suffered by French merchants, either trading with private houses in America, or engaged in transactions of commerce for Congress, or the several states. He informed the committee that several papers which should have accompanied this despatch, were not come to hand, so that he could not state what kind of compensation the merchants might expect. The minister however mentioned in the conference, that without waiting the arrival of those papers, which may have been lost, or may be delayed for a long time, some recommendation might be thought proper to be sent from Congress to the several states, in order to prevent forever the effect of the tender laws operating against foreign merchants; that this would be an encouragement to commerce, and remove the fears of foreign traders in their transactions with the citizens of the

¹ This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, III, folio 95.

United States. The minister communicated that part of the Count de Vergennes' letter relating to the discussion which was between him and Mr. J. Adams with respect to the depreciation of the paper money, and the effect this had produced on the French trade; however, he did not enter fully into the matter, not being furnished with the proper papers.

The other objects of the communications of the minister of France were the measures taken by the Court of Russia, and the northern powers, on account of the rights of neutrality, and the conduct to be observed by the belligerent powers towards subjects of neutral powers; and he informed the committee that those northern courts had made formal declarations to the powers at war respecting the principles of neutrality; and that they had concluded a convention for the security of their navigation and of their fair trade. That this convention was particularly obnoxious to the Court of London, as it was now obliged to respect neutral flags, which it had till then treated with the greatest severity, exercising against them every kind of depredation according to its former practice. That France fully approved of that convention, the consequence of which was that all the powers concerned, while they did justice to the principles of the king's council, considered the British more and more as the tyrants of the sea. The king's council, therefore, thought it proper to transmit this intelligence to Congress, leaving it to their wisdom to adopt the principles of the neutral powers laid down so long ago as the 26th July, 1778, in an ordinance of the king, which the minister of France delivered several months ago, with other printed papers, on the same subject, to the Board of Admiralty. The minister thought it the more important for the United States to conform their maritime laws to that

system, as they would thereby conciliate to themselves the benevolence of the neutral powers. He observed that American privateers had presumed to stop neutral vessels loaded with English merchandise, which had given rise to unfavourable observations and complaints against the United States. He observed that Holland had taken a part in the association of the northern courts; and that therefore she ought to be comprehended in the orders of Congress, if it should be thought proper in those orders to mention the names of particular powers. But, if Congress adopted a conduct similar to that of France, they would extend their orders in favour of all neutral powers generally.

The minister then gave a short historical account of the negotiation of Mr. Cumberland, observing that the matter being now obsolete, it was sufficient to mention that this agent, having made proposals of peace to the king of Spain, the first question he was asked was, what were the intentions of the Court of London respecting the United States? That he, having no instructions on this subject, or pretending to have none, had sent an express to London. That the express had not returned when this letter was written.¹

The minister informed the committee that the Court of Versailles had neglected nothing to procure arms, ammunition and clothing for Congress. That the good intentions of the court had not been well seconded by the American agents; that it was their fault if these articles had not been forwarded in time; that the ministers did not intend to accuse any one in particular; but were of opinion that Congress should inquire into the cause of the delay, in order to inflict such punishment as would prevent the like conduct in future.

¹ Up to this point a fair copy of the report is in the *Papers of the Continental Congress*, No. 25, I, folios 213-217.

The minister then communicated the substance of a despatch of the 9th March, 1781; and entering fully into the subject, he told us that so early as the beginning of the year 1780, he had informed Congress that a mediation might be opened in Europe. That the mediators might propose the *uti possidetis* as the basis of the negotiation. That it was of the utmost importance to prevent the effect of a proposition so inconsistent with the independence of the United States. That the Court of France wished to give them every assistance in their power; but he had observed, at the same time, that the political system of the kingdom, being closely connected with that of other European powers, France might be involved in difficulties which would require the greatest attention, and a considerable part of her resources. That he had informed Congress confidentially that the death of the sovereigns of some of the European states with whom the Court of France had the most intimate connexion might oblige her to employ the greatest part of her resources to secure her against the dangers which might be occasioned by such an event. That since that communication was made to Congress, both those cases had happened. That the empress queen was dead. That the Court of Versailles flattered itself that this will not at this time give rise to any material change in the politicks of the courts of Vienna and Berlin. That circumstances, however, are such that prudence dictates not to leave the frontier of France on Germany unprovided for defence. That the character the king bears of guarantee or protector of the liberties of the German empire obliges him to be ready to assist effectually the members of that body, whose safety may be endangered, and of consequence occasions extraordinary expenses. That France is at

the same time obliged to spare the land forces of the kingdom, and at the present crisis not to keep them at too great a distance. That this however is only a point of caution and prudence. That the Court of France still hopes the issue will be peaceable and agreeable to her wishes; but has thought it proper to inform Congress of it. That matters are different with respect to the Dutch. That they are now in a state of war with the English; but there is among them a party in favour of England; and notwithstanding the accession of the two opposing provinces to the resolution of the states for making reprisals, a mediation has been entered into between London and The Hague; and the Empress of Russia acts as mediatrix. That it is evident the Court of London, by opening this negotiation, designs to draw the Seven Provinces to her side; and even goes so far as to expect, that she may employ the resources of the Dutch against France, either directly or indirectly. That the disposition of that republick is still such as friends would wish. But the strongest argument which the British party make use of to separate the Seven Provinces from France is, that they are destitute of a naval force; that their seamen are captured by the British; that all their riches will likewise fall a sacrifice; and that their settlements in the East and West Indies are in the greatest danger. That under these circumstances it was become necessary for France to afford immediate protection to the Dutch in Europe; and to make without delay a diversion which may possibly save their East India possessions. That these measures had rendered it actually impossible to send to the United States the reinforcement which was announced.

The minister of France thinks that this confidential and friendly explanation of the situation of France will convince Congress that the king could not pursue a different line of conduct; and that the consequences of the measures he has taken must at last turn to their advantage. That, however, Count de Rochambeau and Mons. Barras will receive some reinforcements, and will inform the Chevalier de la Luzerne how considerable they are.

The minister told the committee that the friendship and benevolence of the king for the thirteen United States had engaged him to trust Congress with these details, observing at the same time, that it would be proper to keep them secret. In giving an account of the subsidy granted by the king of France, the minister concluded by observing, that the Count de Vergennes writes that what remains of the six millions, after purchasing the supplies of arms and ammunition, would be at the disposal of Congress; or, if they should so direct, at the disposal of the Commander in Chief, or of their financier, if there should be one; and that the resolution Congress took on this subject should be made known to the ministry, that funds may be provided accordingly. In the course of the conference the chevalier mentioned the sums that had been procured for these states since the beginning of the year 1780. That in that year the Count de Vergennes had on his own credit procured for Doctor Franklin three millions of livres. That in December Doctor Franklin wanted one million more to honour the bills drawn by Congress; and that he received the fourth million. That in the course of the present year, the Count has procured for him on loan four millions of livres, which make eight millions borrowed on the guaranty of France since the aforementioned period. And now the king makes a gratuitous donation of the subsidy

of six millions, which in the whole make up the sum of fourteen millions since the commencement of the year 1780.¹

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JUNE 19, 1781

A letter from J. Ross was read:²

Ordered, That it be referred to the committee on his former memorial.

The committee of the week made report; Whereupon,

Ordered, That a memorial of Colonel Nicola be referred to the Board of War to take order.³

A motion was made by Mr. [John] Mathews, seconded by Mr. [Thomas] Bee:

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Mathews, Mr. [George] Walton, Mr. [Roger] Sherman.

The committee reported the draft of a letter to Doctor Franklin, which was agreed to as follows:

The Committee to whom was referred Dr. Franklin[*'s* letter], and the revision of the Instructions to the Commissioners appointed to negotiate a treaty of Commerce with Great Britain report the following letter to Dr. Franklin:

SIR,

Congress have received your letter of the 12 of March last, with the papers enclosed. The prospect of conferences being soon opened in Europe, under the mediation of the imperial courts of Petersburg and Vienna, for accommodating the disputes between the belligerent powers, which must necessarily involve the essential

¹ This report was entered only in the manuscript Secret Journal, Foreign Affairs, The draft, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 25, I, folio 219.

² This letter, dated June 19, 1781, is in the *Papers of the Continental Congress*, No. 78, XIX, folio 385.

³ This petition is in the *Papers of the Continental Congress*, No. 41, VII, folio 71.

interests of these United States, has determined us to increase the number of our ministers for negotiating a peace with Great Britain. We have therefore added yourself, Messrs. Jay, H. Laurens, and Thomas Jefferson to Mr. Adams, to repair to such place as shall be fixed on for transacting this important business.

A compliance with your request to retire from publick employment would be inconvenient at this particular conjuncture, as it is the desire of Congress to avail themselves of your abilities and experience at the approaching negotiation. Should you find repose necessary, after rendering the United States this further service, Congress, in consideration of your age and bodily infirmities, will be disposed to gratify your inclination.

~~You will receive herewith a letter to his Most Christian Majesty and the instructions to our Ministers for negotiating a peace, to be presented to his Majesty attended with such a memorial as the importance of the subject requires.~~

You will present the letter to his Most Christian Majesty, and communicate to him the instructions to our ministers for negotiating a peace, attended with such a memorial as your prudence shall suggest and the importance of the subject requires.

~~Your Committee report the following, that it be~~

~~Resolved, That the powers heretofore given to the Honble John Adams, Esqr. for negotiating a treaty of Commerce with Great Britain be and hereby are invested in the Several Ministers plenipotentiary of these United States appointed to negotiate a peace; and that they or a majority of them or of such of them as may assemble; or in case of the death, absence, indisposition or other impediment of the others, any one of them may receive proposals from Great Britain on that subject; but not to conclude any treaty relative thereto without further instructions from Congress.¹~~

Postponed

Adjourned to 10 o'Clock to Morrow.

¹ This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 25, I, folio 429. The letter was entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal.

WEDNESDAY, JUNE 20, [1781]

A letter of _____ from the Board of War was read, enclosing a letter from Brigadier General Irwine:

Ordered, That it be referred to the Board of War to take order.

A report from the Board of War was read; Whereupon,

Ordered, That the Board of War draw warrants on the paymaster general, one in favour of Major Woodson of Colonel Hazen's regiment, for one hundred and ninety-five dollars in bills of the new emissions, equal to three months' pay and subsistence; and one in favour of Lieutenant Colonel Ternant for four hundred dollars in bills of the new emissions on account of his pay, for which sums they are respectively to be accountable.¹

A report from the Board of Treasury on the letter, of 30th May, from Cha Pettit was read:

Ordered, That it be referred to the committee to whom was re-committed their report on Mr. Blaine's and Mr. Pettit's letter.

The committee ||consisting of Mr. Houston, Mr. Sherman, Mr. Atlee|| to whom was referred the letter, of 12, from Cha Pettit, desiring leave to resign, delivered in a report; Whereupon,

The Committee to whom was referred a letter from Charles Pettit Assistant Quarter Master General, Report as their opinion that the office of Assistant Quarter Master General may be discontinued without detriment to the public service and therefore submit the following resolutions:

Resolved, That Charles Pettit, assistant quartermaster general, be permitted to resign that office, agreeably to his request:

That the office of assistant quartermaster general be abolished; and that the duties of the said office be performed

¹ The first clause of this report is in the *Papers of the Continental Congress*, No. 147, V, folio 377; the second is on folio 391.

by the quartermaster general, and his deputies under his direction.¹

The committee to whom was referred the motion of Mr. [John] Mathews reported an ordinance, which was read, and after debate:

Ordered, That it be re-committed, and that Mr. [James Mitchell] Varnum be added to the committee.

On motion of Mr. [Roger] Sherman, seconded by Mr. [George] Partridge,

Resolved, That the postmaster general be directed immediately to employ a post-rider in the room of him who was lately taken by the enemy, between Fishkill and Morristown; and to apply to ~~the Commander in Chief~~ or the Board of War for an escort on that part of the way where the riders are exposed to be interrupted by the enemy.

On motion of Mr. [John] Mathews, seconded by Mr. [Thomas] Bee,

Resolved, That the Board of War be directed to furnish Governor Rutledge with four waggons, for transporting cloathing to the State of South Carolina; which waggons, when discharged by the said Governor Rutledge, to be delivered over to the orders of the commanding general of the southern army.

The committee of the week made report; Whereupon,

The Committee of the week report,

That the letter of the 14th instant from D^r Solomon Halling praying for an appointment in the military hospital be referred to the Board of War.

And that the letter of the 19th instant from B. d'Uerkfritz, Captain Colonel Armand's legion, praying for the payment of the ballance due to him be also referred to the Board of War.²

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, V, folio 129.

² This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 32, folio 175. Halling's letter is in No. 78, XXI, folio 81; d'Uerktritz's is in No. 78, XXIII, folio 5.

[*Ordered*], That a letter from Doctor Solomon Halling be referred to the Board of War;

That a letter, of 19th, from B. d'Uerkfrit, captain in Colonel Armand's legionary corps, be referred to the Board of War.

A report from the Board of War was read; Whereupon,

WAR OFFICE *June 20 1781*

SIR,

The Board have directed Mr Thomas Jones Deputy Field Commissary of Military Stores, for the Southern department, to repair immediately to Virginia, and take charge of all military stores belonging to the public in that quarter. He is ready to execute their orders provided he can be furnished with a supply of money for his travelling expenses, as the public good require his immediate attention to the business, in forming magazines and collecting stores for the operations of the Marquis's army. The Board request Congress will be pleased to direct,

Ordered, That the Board of War draw a warrant on the paymaster general in favour of Thomas Jones, deputy field commissary of military stores for the southern department, for five hundred dollars in bills of the new emission on account of his pay, for which sum he is to be accountable.¹

The committee, ||consisting of Mr. Sullivan, Mr. Atlee, Mr. Bland,|| to whom was referred the report of the Board of Treasury on the accounts of Colonel D. Campbell, delivered in a report; Whereupon,

The Committee to whom was referred the Report of the Board of Treasury respecting the accounts of Col^o Donald Campbell beg leave to report,

That after examining the papers referred to them, They are of opinion, That the said report and papers be recommitted to the Board of Treasury for final settlement of the accounts between said Campbell and the United States.

Your Committee further report That in the account exhibited by Col^o Campbell against the United States are the following disputed charges, viz.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 395.

		15. 14. 6
Incidental charges	Loss on gold silver &c	£175. 14. 6
rejected.	His own baggage lost at Quebec	200. —. —
rejected.	Commission on cloathing	556. 13. —
rejected.	Interest on the balance for 4 years and 9 months	687. 16. 7
Total		1620 3 1

Should Congress be of opinion That those charges ought to be allowed it may be proper to resolve,

That the Treasury Board be directed to credit Col^d Donald Campbell in the settlement of his account ~~for £175. 14s. 6d~~ £15. 14. 6 for loss on gold and silver ~~£200 for loss of his baggage at Quebec~~ £556. 13s for ~~commissions on cloathing~~ and ~~£687 16s 7d for 4 years and 9 months~~ interest on any balance that may be found due to him from the United States.

That the balance of the difference between the clothing charged and the clothing credited be disallowed.¹

Ordered, That the report of the Board of Treasury on the accounts of Colonel D. Campbell, with the papers, be re-committed to the Board of Treasury for final settlement; and that the Board credit Colonel Campbell, in the settlement of his accounts, with the sum of £15 14 6, for loss on gold and silver, and also credit him for interest on such balance as may be found due to him from the United States, but that the balance of the difference between the cloathing charged and the cloathing credited be disallowed.

The committee, ||consisting of Mr. Lovell, Mr. Sharpe, Mr. Bee,|| to whom were referred the letter ||and memorial of 7th May|| from John Ross, delivered in a report; Whereupon,

The Committee to whom were referred letters from John Ross beg leave to Report—

That M^r Ross being reduced to a very critical situation by the unexpected and long delay of payment of his account against the

¹ This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, I, folio 513. The total was reached by adding the figures afterwards struck out.

United States petitions earnestly for an advance in part by bills of exchange which he is willing to take at par.

That all the bills which remain unsold of those drawn upon Mr Jay and Mr Laurens, and which have been subjected to the orders of the Superintendant of Finance under certain restrictions, amount to little more than forty two thousand dollars making not a half of the balance due to Mr Ross.

That the Financier recommends the delivery of those bills to Mr Ross as the best disposal of them, and also gives it as his opinion that it is not necessary to wait for the absolute knowledge of funds being specially appropriated for payment of them in Spain and Holland.

That Mr Ross promises to bring no charge for usual damages, in case of non payment of the bills, but merely to return them.

Your Committee therefore submit the following Resolution—

Resolved, That Robert Morris, esq. be, and he is hereby, empowered to deliver to John Ross, in part payment of his account, the bills of exchange which were committed to him to be disposed of by a resolution of the 4th of this month, the restrictions in the said resolution notwithstanding, the said J. Ross agreeable to his proposal agreeing to receive them at par and engaging to bring no charge for usual damages in case of non-payment, but merely to return them.¹

On the question to agree to this, the yeas and nays being required by Mr. [James Mitchell] Varnum,

New Hampshire,

Mr. Sullivan,	ay	} ay
Livermore,	ay	

Massachusetts,

Mr. Partridge,	ay	} ay
Osgood,	ay	

Rhode Island,

Mr. Varnum,	no	} *
-------------	----	-----

Connecticut,

Mr. Huntington,	ay	} ay
Ellsworth,	ay	
Sherman,	ay	

Pennsylvania,

Mr. Montgomery,	ay	} ay
Clymer,	ay	
T. Smith,	ay	

¹ This resolution was also entered in the manuscript Secret (Domestic) Journal under date of June 21. The report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, V, folio 251.

<i>Delaware,</i>			<i>North Carolina,</i>	
Mr. Rodney,	ay	} ay	Mr. Sharpe,	ay } *
McKean,	ay		<i>South Carolina,</i>	
<i>Maryland,</i>			Mr. Mathews,	ay
Mr. Carroll,	ay	} div.	Bee,	ay
Potts,	no		Motte,	ay
<i>Virginia,</i>			Eveleigh,	ay
Mr. Jones,	ay	} ay	<i>Georgia,</i>	
Madison,	ay		Mr. Walton,	ay
M. Smith,	ay		Few,	ay

So it was resolved in the affirmative.

A report of the Board of War, of the 17th, with an estimate of sundries wanted for equipping Colonel Armand's corps; and another report, of the 20th, with a letter, of 19th, from S. Miles, deputy quartermaster, were read:

WAR OFFICE *June 17th 1781*

SIR,

The great want of cavalry to the southward has induced the Board to apply to Congress for the amount of the enclosed estimates towards equipping Col^o Armand's corps, if these are procured it will be in the power of the Board to furnish every thing else *essentially necessary* (except horses) to enable them to take the field. There are at present but 25 horses belonging to the corps, but there is a probability that the State of Virginia will supply the deficiency, in order to prevent the horses which are proper for this service from falling into the hands of the Enemy.¹

WAR OFFICE, *June 20. 1781*

SIR,

The Board beg leave to inform Congress that only one fourth part of the estimate for transporting ammunition to the southward has been granted to Col. Miles as appears by his letter to the Board. As the furnishing ammunition to the army under the command of the Marquis la Fayette is of the greatest importance, the Board request that the farther sum of Four thousand three hundred and sixty eight dollars in bills of the new emission be advanced to Col. Miles immediately for the purpose of transporting ammunition to the army under the command of the Marquis la Fayette.²

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 369.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 381.

Ordered, That they be re-committed and that the Board confer with Mr. R. Morris to take order.

The committee to whom was referred the petition of Captain Ysnardy delivered in a report.

The committee to whom was re-committed the ordinance reported by the committee on Mr. [John] Mathews's motion, reported the draught of a new ordinance which was read a first time:

Ordered, That it be read a second time.

The ordinance being read a second time, and debated by paragraphs:

Ordered, That it be read a third time to Morrow.

WAR OFFICE, *June 17. 1781*

SIR,

The board have been honored with a reference of a letter from John David Weaver. He is a discharged Hospital Mate, and has pay due him from the Department. His case is comprehended in the report we had the honor to lay before Congress with respect to the pay and depreciation due the Staff Officers. But as Congress were pleased to adopt that report no farther than to take in the cases of all now in service, we are at a loss to know what can be done for Mr Weaver under present circumstances.¹

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JUNE 21, 1781

A report from the Board of War was read; Whereupon,

WAR OFFICE, *June. 8. 1781*

SIR,

Mr Rogers was appointed a Brigade Chaplain to the third Pennsylvania brigade, which does not now exist, as the line of the State is formed into two brigades only. But by the resolve of the 8th ult^o, he cannot be considered as out of the army unless he is certified to be a retiring chaplain by the Commander of the Southern Army. He

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 385. It was read on this day, as the indorsement shows. It is further indorsed: "August 23^d, 1781, not to be acted upon."

has eleven months pay due to him and before any warrant can be granted it will be necessary for Congress to direct

Ordered, That the Board of War draw a warrant on the paymaster general for three months' pay, in favour of the rev^d Mr. William Rogers, as brigade chaplain.¹

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *June 21. 1781*

Whereas the Act of Congress of the 12 inst, directs, "that depreciation of Pay and subsistence be settled in behalf of the Officers and men of Col. Armand's Legion in the same manner and on the same principles as is provided for Col. Hazen's Regiment: The Board beg leave to represent that the officers for themselves and their men who formerly served in Count Pulaski's Legion, but now in Col. Armand's Legion, claim the Benefit of the Act afs^d not only since they have been part of Col. Armand's Corps; but for the time they served in Pulaski's Legion, whereupon the following resolution is submitted

Resolved, That the depreciation for pay and subsistence directed to be settled by the act of the 12th instant in favor of the officers and men of Colonel Armand's legion, be extended to the time those officers and men served in Count Pulaski's legion, who are now in Colonel Armand's.²

TREASURY OFFICE *June 19th 1781*

The Board of Treasury have examined the Account exhibitted by the State of Connecticut for the Schooner *Spy*, Robert Niles mas^r and also considered the Report of the Commissioners of Accounts and that of the Auditor General passing the same for 1863 dollars and 46/90 and $\frac{1}{8}$ specie value. The Board differing in Opinion from the Commissioners and Auditors afs^d submit the following state of Facts with the papers relative thereto.

Robert Niles afs^d charges the wages of his men up to the 25th of Dec^r 1778—whereas it appears by this Letter to his Excellency Gov^r Trumbull, that he was captured on the 29 of August preceeding and no account of any of his men having returned to demand their Wages, nor any Proof that the State has actually made the Payment charged.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 287.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 389.

Captain Niles Charge of 308 dollars and $\frac{1}{4}$ Specie for his Expences while in Europe is also exceptionable having no Vouchers to support it nor are there any Vouchers to support his Charge of £180 Lawful Money for his Expences from Nantucket to his Place of Residence, except his Affidavit made at Lebanon in Connecticut the first of Sep^r 1779. By a Letter from the Honorable M^r Lovell to the Commissioners of Accounts it appears there were Expences Paid in France on Cap^t Niles Vessel—this may be the whole or part of the monies he credits in his Accounts said to have been received from the Commissioners at Bourdeaux, Calais and Paris in November and December 1778 and Jan^y 1779 but as these Dates are long after his Sailing from France in the Schooner *Spy*, the Board are induced to believe that the money credited as afs^d is what he acknowledges to have received in his Letter afs^d to Gov^r Trumbull and not what has been advanced on his Vessel.

It doth also appear to the Board, that the account N^o 1 for the Outfit of the Schooner afs^d and her Stores are very exceptionable Charges amounting to £474:7:6: and that no part thereof ought to be allowed, except the Provisions and Stores for the voyage—a very principal Part of this account is for Wages to Labourers and Tradesmen and for Materials for fitting the afs^d shooner for her voyage on all which outfit, the Captain afs^d Charges a Commission of five per cent altho in publick Employ and on Wages; after which fitting it Clearly appears her Valuation took place, the letter from Gov^r Trumbull of the 29th of August 1779 to Mes^{rs} Perkins and McBreed clearly shew that her Appraisement was after she was fitted, his words, are, “as she was worth at the Time of her sailing for France.” The Certificate of Appraisement also expresses, that her Value was ascertained “at the Time of her sailing for France” and it doth also appear, that sundry of the articles charged in the account afs^d N^o 1 are actually in the Inventory and afterwards appraised—wherefore this Board conceive, that Captain Niles has charged the Public in the first Instance with all the repairs and outfit of the afs^d Schooner, and then has her valued to the Public as she was ready for Sea by which management two Payments are made for the same thing. Whereupon the Board submit the following Resolution:

Ordered, That the accounts of the schooner *Spy*, Robert Niles, be referred to the commissioners of accounts at Hartford in Connecticut, for settlement, accompanied with the

report of the Board of Treasury and other reports made thereon.¹

Ordered, That a report of the Board of Treasury for an advance of money to the postmaster general, together with a letter, of this day, from R. Bache, postmaster general, be referred to a committee of three:

The members, Mr. [Roger] Sherman, [Mr. James Mitchell] Varnum and Mr. [Thomas] Bee.

The report of the committee, ||consisting of Mr. Atlee, Mr. Varnum, Mr. Bee,|| on the petition of Captain Ysnardy was taken into consideration; Whereupon,

The Committee to whom the petition of Captain Don Miguel Lorenzo Ysnardy was Referred,

Report,

That having considered the said petition and examined Capt. Ysnardy they find the several facts there in to be as stated by him, and therefore recommend

Resolved, That Captain Ysnardy be allowed the value of the several articles made use of in the defence of Charlestown, for which he has produced vouchers, and that they be referred to the Board of Treasury to ascertain the value and take orders thereon:

That Captain Ysnardy and the crew of his ship who were employed during the siege in one of the bastions, be allowed the same pay and subsistence as is allowed to ~~militia~~ artillerymen while on duty; and that the paymaster general be directed to settle and pay the same: and that the remaining part of the petition, respecting loan office certificates, be referred to the Board of Treasury to take order.²

On motion of Mr. [Joseph] Montgomery, seconded by Mr. [Roger] Sherman,

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 381.

² This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 19, VI, folio 605.

Resolved, That a vice consul be appointed to reside in France, who shall exercise all the powers, and perform the services required of William Palfrey, during his absence from that kingdom, or during the pleasure of Congress; and be allowed a salary of one thousand dollars per annum, in lieu of all commissions for business done on account of the United States of America:

Ordered, That Monday next be assigned for electing a vice consul.¹

On motion of the delegates of Virginia,

Resolved, That the commissary general of purchases be authorised to exchange with ——— Nicholson, agent for the State of Virginia, now in Philadelphia, so much of the flour within the states of Pennsylvania, Delaware, or Maryland, belonging to the United States, as Mr. R. Morris, with the advice and concurrence of the Commander in Chief, shall approve, for a like quantity to be delivered in the State of Virginia, by the aforesaid agent.

A report from the Board of War was read; Whereupon,

WAR OFFICE. *June. 21. 1781*

SIR,

Mr Edward Branham a Conductor of Military Stores to the main army is on his way to Virginia with a considerable supply of arms and accoutrements from Head Quarters, but cannot proceed from hence unless assisted with a sum of money for his unavoidable expenses upon the road. The Board conceiving it of the highest importance that the Arms and Stores should be immediately sent forward for the use of the militia of that State

Beg leave to report

Ordered, That the Board of War draw a warrant on the paymaster general in favour of Mr. Edward Branham a conductor of military stores to the main army for three hundred

¹ The resolution and order relating to the vice-consul were also entered in the manuscript Secret Journal, Foreign Affairs.

dollars in bills of the new emissions on account of his pay, for which he is to be accountable.¹

The ordinance reported was read a third time, and on the question, shall this ordinance pass, six states only being in the affirmative, the ordinance was thrown out.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JUNE 22, 1781

A letter, of 10 February, from William Lee;

One, of March 5, from Mr. Dumas;

One of 24, one of 28 and one of 31 March, also one of 2 and one of 4 April, from the hon^{ble} F. Dana, were read:

Ordered, That the letters from Mr. Dana be referred to the committee on the memorial from the minister of France.²

A letter, of 21, from Mr. R. Morris, was read:³

Two letters, of 22, from Mr. R. Morris, were read:⁴

Ordered, That they be referred to a committee of three:

The members, Mr. [George] Clymer, Mr. [John] Sullivan, Mr. [John] Mathews.

Another letter, of 21, from Mr. R. Morris, was read; Whereupon,⁵

Resolved, That Mr. R. Morris be, and he is hereby empowered and directed to take order for discharging the debt due from the United States to the Pennsylvania bank, and that the bills of exchange drawn on the ministers of these United States at the Courts of Madrid and The Hague, and lodged

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 401.

² This order is also entered in the manuscript Secret Journal, Foreign Affairs.

The letter from William Lee is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) IV, 253: the one from Dumas, on page 273; Dana's, of March 24, on page 325; March 28, on page 333; March 31, on page 344; April 2 and April 4, on page 349.

³ This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 39.

⁴ These letters are in the *Papers of the Continental Congress*, No. 137, I, folios 47 and 51.

⁵ This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 43.

with the Pennsylvania bank, be put under the direction of the said Robert Morris, to be by him disposed of in such manner as he shall think proper, for the use and benefit of the United States of America.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *June 22nd 1781*

The Board of Treasury beg leave to Report,

That they have it not in their power to comply with the reference from Congress on the 18th. inst. of the Report of the Committee of Congress for an "advance of sixteen hundred and ninety three specie dollars or bills of exchange to Col. Moses Hazen, in part of the balance due to him from the U. States" because there is no specie in the Treasury: and the residue of the bills of Exchange drawn on the Ministers in Europe was disposed of by the order of Congress of the 20th instant.

The Board further report,

Ordered, That on the application of Mr. I[saac] Motte, one of the delegates for the State of South Carolina, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania for one thousand dollars of the new emission, for which the State of South Carolina is to be accountable; and

That on the application of Mr. [William] Few, one of the delegates for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner aforesaid, for eight hundred dollars of the new emission, for which the State of Georgia is to be accountable;¹

Ordered, That a warrant issue on Thomas Smith, commissioner aforesaid, in favour of Colonel M. Hazen, for four thousand dollars of bills of the new emission in part of the balance due to him, for which he is to be accountable. This to be paid in preference of all other warrants not specially directed.

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 391.

On motion of Mr. [John] Mathews:

Ordered, That a committee of three be appointed to prepare the draught of an ordinance touching captures by land:

The members, Mr. [John] Mathews, Mr. [Oliver] Ellsworth, Mr. [James Mitchell] Varnum.

The committee of the week reported; Whereupon,

The Committee of the Week report,

That the memorial of G. Glentworth, W^m Smith and James Fallon, supernumerary senior physicians and surgeons of the general hospital for themselves and in behalf of other supernumeraries praying "That Congress will please to grant them, in common with supernumerary judges advocate, regimental surgeons and chaplains, their depreciation and half pay" ought to be referred to a special Committee.

That the petition of Joseph Hardy captain of marines in the American Navy, and late Captain of marines in the confederacy and now a prisoner praying, "That his amounts of pay &c may be liquidated, and the ballance due him paid into the hands of his father M^r W^m Hardy" ought with his accounts there with sent, to be referred to the ~~Treasury Officers~~ Board of Admiralty.

That a letter from Ferd^d I. S. de Brahm and his account therewith sent ought to be referred to the Treasury Office.¹

Ordered, That a petition of Joseph Hardy, captain of marines, be referred to the Board of Admiralty;

That a letter from Fred. I. S. de Brahm be referred to the treasury office.²

The committee, ||consisting of Mr. T. Smith, Mr. Motte, Mr. McKean, Mr. Sherman,|| appointed to ascertain the allowance to be made for burning the bills of credit of the old emissions, delivered in a report; Whereupon,

Resolved, That the ~~gentlemen~~ commissioners appointed to examine and burn the bills of credit of the old emissions, be allowed for that service, each the sum of ~~twenty shillings per day~~ two dollars ~~and two thirds of a dollar~~ specie, for

¹ This report, in the writing of Thomas Rodney, is in the *Papers of the Continental Congress*, No. 32, folio 177.

² This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 179. The memorial of Glentworth, Smith and Fallon, dated June, 1781, is in No. 42, VII, folio 99.

every day they shall be respectively employed therein; and that the said commissioners report weekly to the Board of Treasury, the number and amount of the bills by them examined and burned.¹

A letter, of 22, from Mr. Morris, was read:²

Ordered, That it be referred to the committee on his two former letters of the same date.

A report from the Board of War, of May 9th, and one of this day, were read:

WAR OFFICE *June. 22. 1781*

SIR,

The Board have the honor to enclose to Congress, an estimate from the Deputy Quarter Master of Pennsylvania amounting to nine hundred and forty nine pounds specie for the purchase of four wagons, and a suitable number of horses, for his Excellency Governor Rutledge; the Board beg leave to observe, that it is not in the power of Col. Miles to furnish these Teams from his department, but if money is procured, they can be immediately obtained and the cloathing sent forward without delay.³

Ordered, That they be re-committed to the Board of War to confer with Mr. R. Morris to take order.

A report from the Board of War was read; Whereupon,

WAR OFFICE *June 21, 1781*

SIR

The Board have been honored with a reference of the letter from Baron D'Uhrick relative to payment of the balance due him. As there are so many persons under his predicament, a compliance with his request, and the refusal to others (which the public necessities must render necessary) will introduce endless applications, disappointments, and consequent jealousies, we therefore beg leave to report,

[*Resolved*, That the Baron D'Uhrick be informed that for the present it is inexpedient to comply with his request

¹ This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 26, folio 295.

² This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 55.

³ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 405.

for payment of the balance due him on settlement of his accounts.^{1]}

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JUNE 23, 1781

The committee, ||consisting of Mr. Clymer, Mr. Sullivan, Mr. Matthews,|| to whom were referred the letters from Mr. R. Morris, delivered in a report; Whereupon,

The Committee on two of Mr Morris's letters of the 22 June Report,

That having considered the same and concurring with in opinion as to the expediency of finishing and equipping for sea the 74 gun ship now building at Portsmouth in New Hampshire, and also of putting her in commission, they propose the following resolutions:

Resolved, That Robert Morris, esq. be, and he is hereby, authorised and directed to take measures for the speedily launching and equipping for sea the ship *America*, now on the stocks at Portsmouth, in New Hampshire:

That the Board of Admiralty be, and they are hereby directed to assign Mr. R. Morris the produce of the share of the United States in the prizes taken by Captain Barry, to enable Mr. Morris to carry into execution the preceding resolution:

That Congress ~~immediately~~ proceed on Tuesday next to the appointment of a commander of the said ship *America*.²

[Adjourned to 10 o'Clock on Monday.]

MONDAY, JUNE 25, 1781

A letter, of April 3, from R. Harrison at Cadiz by the *Gloucester* packet was read, with invoice and bill of lading for 31 bales and 14 casks merchandise for account of the United States:

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 399.

The paragraph in brackets is entered in the Journal by George Bond.

² This report, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 28, folio 145.

Ordered, That a warrant issue on Nicholas Gilman, commissioner of the loan office for the State of New Hampshire, in favour of Colonel M. Hazen, for three thousand dollars of the new emission, in part of the balance due to him, and for which he is to be accountable.¹

According to the order of the day, an ordinance for establishing a court of appeals in cases of capture, was on the second reading debated by paragraphs: and on a question to agree "that the judges of the said court shall hold their commissions during good behaviour;" the yeas and nays being required by Mr. T[homas] Smith,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	no	} no	Mr. Carroll,	ay	} ay
Livermore,	no		Potts,	ay	
<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Lovell,	no	} no	Mr. Jones,	ay	} ay
Partridge,	ay		Madison,	no	
Osgood,	no		Bland,	ay	
<i>Connecticut,</i>			M. Smith,	ay	
Mr. Huntington,	no	} no	<i>North Carolina,</i>		
Ellsworth,	no		Mr. Sharpe,	ay	} ay
Sherman,	no		Johnston,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Witherspoon	no	} no	Mr. Mathews,	ay	} ay
Houston,	no		Bee,	ay	
<i>Pennsylvania,</i>			Eveleigh,	ay	
Mr. Montgomery,	ay	} ay	<i>Georgia,</i>		
Clymer,	ay		Mr. Walton,	ay	} ay
T. Smith,	ay		Few,	ay	
<i>Delaware,</i>					
Mr. McKean,	ay	* }			

So the question was lost.

After debate:

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 395. The part relating to the accounts of Jonathan Trumbull was postponed, as the indorsement shows.

Ordered, That the farther consideration thereof be postponed.

A motion was made by the delegates for the State of Pennsylvania:

Ordered, That it be referred to the Board of War.

The committee to whom was referred a letter, of 22, from Mr. R. Morris, delivered in a report.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JUNE 26, 1781

The Board of Admiralty laid before Congress a letter, of the 6th, from Captain J. Barry of the *Alliance*, which was read:

Ordered, That it, together with the letter, of 11th March, from the hon^{ble} John Laurens, be referred to the Committee of Intelligence.

A letter, of this day, from J. L. Clarkson, was read; Whereupon,

Ordered, That John L. Clarkson be allowed, in addition to his salary as clerk to the Board of Treasury, a sum at the rate of two hundred and fifty dollars per annum, for extra services in executing the duties of secretary of that Board.

The committee of the week made report; Whereupon,

The Committee of the week report as follows, viz.

Upon the petition of Robert Lamb commissary of hides,

Resolved That it do lie upon the table to be taken up with the report of the Board of War, upon the subject of depreciation.

Ordered, That a memorial of Doctor D. Jackson be referred to the Board of Treasury;

That so much of the petition of John Gooch as relates to pay, rations and cloathing be referred to the Board of War;¹

¹ Clarkson's letter is in the *Papers of the Continental Congress*, No. 78, VI, folio 41; Jackson's memorial, dated June 25, 1781, is in No. 41, IV, folio 414; Gooch's petition is in No. 42, III, folio 232.

That a petition of James Winthrop and William Winthrop be referred to the delegates for the State of Massachusetts;¹

That the account of the owners of the schooner *Hawk* for freight be referred to the Committee of Commerce;

That the memorial of James McGee and others be referred to the Board of War to take order;

The Petition of Benj^a Wheeler assistant commissary of hides.

Resolved, That it do lie upon the table to be taken up with the Report of the Board of War, upon the subject of Depreciation.

That the petition of Benjamin Wheeler lie on the table;²

The memorial of William Trent in behalf of himself and others,

~~*Resolved*, That it be referred to the delegates from the State of New Jersey.~~

That a memorial of William Trent in behalf of himself and others be referred to the committee on the cessions of western lands by the States of Virginia, New York and Connecticut.³

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. [John] Mathews, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for one thousand dollars of the new emissions, for which the State of South Carolina is to be accountable:

Ordered, That so much of the report as relates to Christian Wirts be referred to the delegates of Pennsylvania.

A report from the Board of War was read; Whereupon,

¹ This petition, dated May 15, 1781, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 229.

² McGee's memorial, dated June 24, 1781, is in the *Papers of the Continental Congress*, No. 41, VI, folio 237; Wheeler's petition, dated May 24, 1781, is in No. 42, VIII, folio 233.

³ This report, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 32, folio 179.

WAR OFFICE June 25. 1781

SIR,

The invalid regiment being pressingly required by his Excellency the Commander in Chief to march to West Point is principally detained for the want of the three months pay, for which warrants have been drawn a considerable time ago, but no money can be obtained from the Paymaster General as he is not supplied for the purpose.

There is a difficulty also arises with respect to a number of the men of this regiment belonging to the States of Delaware, Maryland and Virginia on account of their having no settlement for depreciation. Perhaps as these men are particularly circumstanced, being unable to travel from personal disabilities, and besides the regiment would be much weakened by detaching the men of these States merely for the purpose of obtaining a settlement, it may be proper for Congress to resolve

Resolved, That it be recommended to the States of Delaware, Maryland, and Virginia, to settle with the officers and men of the invalid regiment, who are citizens of those states, on certificates from the commanding officer of the regiment, without requiring their personal attendance on the auditors or persons appointed by the said states respectively, to liquidate their accounts for depreciation.¹

Another report from the Board of War was read, respecting Robert Elliot:

WAR OFFICE, June 26, 1781.

SIR.

The Board have been frequently applied to by M^r Robert Elliot, who claims to be a Lieutenant in the service of the United States by Appointment of Oliver Pollock Esq^r at New Orleans, for his Pay while serving under Cap^t James Willing and at Fort Pitt. Not being acquainted with any orders to M^r Pollock for making Appointments of Officers or with any thing relating to the service of Officers so appointed farther than is shown by the Certificates of those officers to one another, we trouble Congress with the matter, that they may be pleased to take such order therein as to them shall seem proper.²

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folios 413 and 417.

² This report is in the *Papers of the Continental Congress*, No. 19, II, folio 219.

Ordered, That it be re-committed and that the Board report a state of facts.

The report of the committee, ||consisting of Mr. Clymer, Mr. Sullivan, Mr. Mathews,|| on the letter from Mr. Morris, was read; Whereupon,

The Committee upon Mr Morris's third letter of the 22 June Report,

That they perfectly agree with Mr Morris in the expedience of ~~appointing~~ investing some person with a public character to reside at the Havannah for the purposes mentioned in his said letter—they therefore offer the following resolution

Resolved, That an agent ~~be immediately~~ for the United States of America be appointed to reside at the ~~city of~~ Havanna: ~~there to represent these United States, to manage the occasional concerns of Congress, to assist the American traders with his advice and to solicit their affairs with the Spanish government.~~¹

Ordered, That to Morrow be assigned for electing the said agent; and that the committee who brought in this report prepare the draught of a commission and instruction for the said agent.²

Congress proceeded to the appointment of a captain to command the ship *America*: and, the ballots being taken, ~~Captain~~ John P. Jones, esq. was unanimously elected.

Congress proceeded to the election of a vice consul, conformable to the resolution of 21 of this month; and, the ballots being taken, Thomas Barclay was elected, having been previously nominated by Mr. [George] Clymer.

The committee to whom were referred the letters from the hon^{ble} F. Dana delivered in a report: Whereupon,

¹ This report, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 19, IV, folio 319.

² This order and the paragraph on the election of a vice-consul were also entered in the manuscript Secret Journal, Foreign Affairs.

The Committee to whom was referred the letters of Mr. Dana and the motion of Mr. Mathews report the following resolutions:

Resolved, That Mr. F. Dana, until he can proceed to the Court of Petersburg, either in a public or private character, without risking the interest or dignity of the United States, be and he is hereby appointed secretary to the ministers plenipotentiary of these United States for negotiating a peace with Great Britain, with the salary allowed to him by the act of the 4 October, 1779. That in case Mr. Dana shall have proceeded, or shall hereafter proceed to Petersburg, or to any part of the dominions of the Empress of Russia, the ministers appointed by the act of Congress of the 15 June, 1781, or a majority of such of them as shall assemble, be and they are hereby authorised to appoint a secretary to ~~transact the business of their negotiations~~ their commission, and that he be ~~allowed~~ entitled to receive, in proportion to his time of service, the salary of one thousand pounds sterling per annum allowed to Mr. Dana.

That the President furnish Mr. Dana with letters of credit on the minister of these United States at the Court of Versailles for the amount of his salary while he acts as secretary to the ministers plenipotentiary of the United States for negotiating a peace, or during the time he shall be in a private character in Russia.

That the President furnish Mr. Dana with letters of credit on the minister of these United States at the Court of Versailles, for ~~such a sum as Mr. Dana shall think reasonable~~ sufficient to enable him to engage a private secretary, or clerk, when he shall assume his public character of minister plenipotentiary to the Court of Petersburg.¹

¹ This resolution was entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal. The report, undated, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 31, folio 299.

Ordered, That the several reports on the case of Baron d'Arendt be referred to the last committee on that subject.

On motion of Mr. [William Churchill] Houston, seconded by Mr. [William] Sharpe,

Resolved, That the Board of Admiralty inform John Barry, esq. commander of the frigate *Alliance*, that Congress approve his conduct in releasing the ship belonging to subjects of the republic of Venice, re-taken by him from a British privateer on the 4th of March last, it being their determination always to pay the utmost respect to the rights of neutral commerce.

A report from the Board of War was read, with an estimate of money wanted for purchasing a quantity of hay and corn for the post at Philadelphia:

WAR OFFICE *June 26th 1781*

SIR,

The Board have the honour to enclose Congress an estimate from the Deputy Quarter Master of Pennsylvania for eleven thousand five hundred pounds specie for the purpose of purchasing a quantity of Hay and Corn for the post of Philadelphia.

The Board beg leave to observe that the Magazines of forage at this place are nearly exhausted, and the department must inevitably suffer, if the necessary supplies of Hay and Corn are not provided ¹

Ordered, That it be transmitted to the quartermaster general to report thereon.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JUNE 27, 1781.

A report of the Board of War was read; Whereupon,

Ordered, That the Board of War draw a warrant on the paymaster general, in favour of the rev^d Mr. Jones, chaplain to the 2d Pennsylvania brigade, for three hundred dollars in bills of the new emissions, equal to three months' pay and subsistence, for which sum he is to be accountable:²

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 421.

² This report is in the *Papers of the Continental Congress*, No. 147, V, folio 433.

That the Board of War take order for the payment of Lieutenant Colonel Nevil's passage from Charlestown to Philadelphia, in the same manner as has been allowed to officers under like circumstances.¹

Another report from the Board of War was read, enclosing a copy of a letter, of 21, from the Commander in Chief:

Ordered, That the same, together with report of the Board on the parts of a ration, be referred to the superintendant of finance.

The delegates of Pennsylvania, to whom was referred the report of the Board of Treasury on the claim of Christian Wirts, who under an appointment of the council of Pennsylvania of town major of Lancaster, acted occasionally under the Board of War in taking charge of prisoners, public stores, &c. made report; Whereupon,

The Delegates of Pennsylvania to whom was referred the report of the Board of Treasury on the claim of Christian Wertz who under an appointment of the Council of Pennsylvania of Town Major of Lancaster acted occasionally under the Board of War in taking charge of Prisoners, Public Stores, &c. for which he claims the pay and rations of a Major in the Army; Beg leave to Report that they cannot take upon them to ascertain what compensation should be made to M^r Wertz for the same services not being sufficiently informed what part of his time was taken up in performing the same but from the information they have received, they are of opinion he is not entitled to the full pay which he claims. They are therefore of opinion that the Board of Treasury request the Honorable William Augustus Atlee Esq. Mathias Slough and Adam Reigert Esquires to ascertain what compensation the said C. Wertz ought to receive for the services he has performed in the premises for the United States from the Day of to the 6th instant and certify the same to that Board.²

Ordered, That the report of the Board of Treasury be re-committed, and that the Board of Treasury request the

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 429.

² This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, VI, folio 579.

honourable William Atlee, esq. Mathias Slough and Adam Rigart, esqrs. to ascertain what compensation the said C. Wirts ought to receive for the services performed in the premises for the United States.

The delegates for the State of Massachusetts laid before Congress a letter, of 24 May, from a committee of the legislature of that State, which was read:

Ordered, That it be referred to a committee of five:

The members, Mr. [Oliver] Ellsworth, Mr. [George] Clymer, Mr. [Samuel] Osgood, Mr. [William Churchill] Houston, Mr. [Joseph] Jones.

Ordered, That the report of the Board of War on an allowance for depreciation to the staff, together with the several letters and applications which depend on the determination of that report, be referred to a committee of three:

AT A BOARD OF WAR *May 30. 1781*

Present Mr Peters, Col^o Grayson

The Board have the honor to lay before Congress two different reports on the subject of depreciation not knowing the extent to which Congress will deem it proper to make provision the Board have thought it advisable to report two different plans the one is on a large the other on a contracted scale.

1,

~~*Resolved*, That the line of the army and the independent corps thereof and all Brevet and other Officers not attached to any particular commands and all other persons of whatsoever description on the civil or military staff of the army, or acting under the same who have been engaged in the Continental service since the commencement of the present war shall be entitled to have the depreciation of their original pay made up to them by the several States to which they belong agreeable to the scales of depreciation established by such States and according to the periods for which such persons have respectively served, any resolve to the contrary notwithstanding.~~

Resolved, That each State who shall advance more money in making good the depreciation to their own citizens than their proper proportion shall be allowed for the same on Continental account.

Resolved, That the Auditors of the army be directed to liquidate and settle the accounts of all persons entitled to depreciation and who are not included in the quota of any of the States and ascertain the balances due on the same in specie which sums shall be paid as soon as the State of the finances will admit, out of the public Treasury of the United States.

That it be recommended to the Legislatures of the several States to make provision for their respective citizens described in the foregoing resolutions, agreeable thereto.

2^d

That all Officers of the Staff of the army of every description who are now in service and engaged for three years or during the war or who were in service and so engaged on the tenth day of April 1780 shall be entitled to the depreciation of their pay, in like manner as is directed for Officers of the line and independent corps by the resolution of the tenth day of April before mentioned or any other resolutions of Congress.

That all such Staff Officers who belong to or are inhabitants of any particular State shall have their depreciation paid to them by that State in the same manner with the Officers of the line of the State.

That all Officers of the military staff and all officers and soldiers of independent corps or artificers who are inhabitants of any particular State and who now are or were in service on the tenth day of April 1780 and engaged for three years or during the war have their depreciation settled and paid by the State to which they belong or of which they are or were inhabitants in the same manner with Officers and Soldiers of the line.

That all Officers and Soldiers of the army at large or of independent corps and artificers and all Staff Officers not belonging to or being inhabitants of any particular State who are now or were in service on the said tenth day of April 1780 shall have their accounts for depreciation settled by the auditors of the army in which they now serve or shall have served and the sums due in specie on such settlement certified by the said Auditors shall be paid out of the Treasury of the United States whensoever the public finances will admit thereof.

That the Officers and Soldiers of the line staff or artificers not belonging to any State shall produce to the Auditors previous to their claiming settlements, a certificate from the Adjutant General or deputy Adjutant General of the army in which they serve or shall

have served ascertaining their ranks, appointments, enlistments and original pay and certifying that they do not belong to and have not been counted to the quota of any particular State.

That each State who shall advance more money in making good the depreciation to their respective citizens than their proper proportion shall be allowed for the same on account of the United States.

That it be recommended to the Legislatures of the several States to make provision for their respective citizens described in the foregoing resolutions agreeable thereto.¹

The members, Mr. [William Churchill] Houston, Mr. [Joseph] Montgomery, Mr. [Roger] Sherman.

The committee to whom were referred the cessions of the States of Virginia, New York and Connecticut, and also the memorials of the Illinois and Wabache Companies, and from William Trent and others, delivered in their report:

The Committee to whom were referred the Cessions of the States of Virginia New York and Connecticut and also the memorial of the Illinois and Ouabache companies, and that from William Trent and others, beg leave to report,

That they have attentively considered the several Acts of Cession, and from the conditions annexed to them and other circumstances, are of opinion that it would be inexpedient for Congress to accept of them as they stand at present.

They therefore propose the following Resolutions

That be appointed for Congress to take into consideration the western limits beyond which they will not extend their guarantee to the particular States and to ascertain what vacant Territory belongs to the United States in common for the general benefit.

That *so soon as this is done* a Committee be appointed to prepare a Plan for dividing and settling the said Territory and for disposing of it in such manner as to discharge the Debts of the United States contracted in the Prosecution of this War.²

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 437. According to the indorsement, Messrs. [John] Mathews and [Nicholas] Van Dyke were added to the committee on August 1.

² This report, in the writing of John Witherspoon, is in the *Papers of the Continental Congress*, No. 30, folio 561. It is in the list of postponed reports in No. 31, folio 371.

Ordered, That the same be taken into consideration on Saturday next.

Congress proceeded to the election of an agent to reside at Havanna; and, the ballots being taken, Mr. Robert Smith was elected.

Resolved, That it be the duty of the agent appointed to reside at Havanna, to manage the occasional concerns of Congress, to assist the American traders with his advice, and to solicit their affairs with the Spanish government, and to govern himself according to the orders he may, from time to time, receive from the United States in Congress assembled, or their superintendant of finance.¹

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [John] Sullivan, respecting a warrant in favour of Major Woodson:

Ordered, That it be referred to the Board of War to take order.

The delegates of South Carolina laid before Congress a letter, of this day, from Governor Rutledge, which was read and acted on.²

On motion of the delegates of South Carolina:

Whereas, the Enemy being in possession of the several Sea Ports in the State of South Carolina, the Inhabitants are thereby deprived of the usual mode of procuring so necessary an article of life, as salt, which makes it advisable that some other mode should be adopted for furnishing the said Inhabitants with salt. And whereas by an ordinance of Congress passed the 27 day of March last all intercourse between these States and the dominions and possessions of the King of Great Britain are thereby prohibited, but from the peculiar hardships under which the said state of S^c Carolina has for some time past and does at present labour, it is reasonable that some particular indulgence should at this time be extended to the Inhabitants thereof. Therefore

¹ This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

² This letter is in the *Papers of the Continental Congress*, No. 36, I, folio 193.

Resolved, That the President be authorised to furnish Governour Rutledge with four sets of permits or passports for vessels to bring salt only into the State of South Carolina, or North Carolina, under the direction of the said Governour Rutledge;

Resolved, That the said Governour Rutledge engage for the return of the passports so furnished him to the President of Congress, after the purposes for which they are hereby granted shall have been fulfilled, so that no other use be thereafter made of the said papers; and that they be cancelled by the President of Congress when returned to him.¹

The Committee of the week report as follows. viz

Upon the memorial of Donald Campbell,

Resolved, That s^d memorial together with the Report of the Board of Treasury upon the accounts of the s^d Donald Campbell be referred to a special Committee.²

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JUNE 28, 1781

A letter, of 27, from the superintendant of finance was read:³

Ordered, That his request be complied with.

The committee of the week made report; Whereupon,

Ordered, That a petition of Major T. Church be referred to the Board of Treasury.⁴

¹ This motion, undated, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 36, I, folio 193. It was entered only in the manuscript Secret (Domestic) Journal, and in Secret Journal, No. 8.

² This report, offered on this day, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 32, folio 181. Campbell's memorial, dated June 25, is in No. 41, II, folio 369.

³ This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 57.

⁴ This petition, dated June 27, 1781, is in the *Papers of the Continental Congress*, No. 42, II, folio 102.

A report from the Board of War was read, enclosing an estimate of money wanted by the deputy quartermaster, for sending to the main army a number of public horses:

Ordered, That the same, together with the several estimates of the Board of War for the present campaign, be referred to the superintendant of finance; and that he devise ways and means for furnishing such of them, as, upon consultation with the Commander in Chief and Board of War, shall be deemed most essentially necessary:

That the superintendant of finance be furnished with an account of the several requisitions of money, and supplies from the states, and that he take measures for calling upon them, and pressing a compliance with the said requisitions:

That he order such sums of money into the hands of the quartermaster general, and the commissary of military stores, as, upon consultation as aforesaid, may be necessary for executing the duties required of them respectively:

That the bills of exchange in the hands of the Board of War yet unsold, be delivered to the superintendant of finance.

A motion having been made by Mr. M[eriwether] Smith respecting the Board of Admiralty and its dependencies:

Whereas the present System for managing the Navy of these United States is inefficient and expensive;

Resolved, That the Admiralty Board, the several Navy Boards, the Continental Agents in the Marine Department, and all persons in authority under them be and they are hereby removed, and that from and after the passing of this Act, the Authorities, Powers, Privileges and Emoluments to them or any of them given by any former Act or Acts of Congress do cease, determine and be utterly void.

Resolved, That the Superintendent of the Finances of these United States do appoint on the best Terms for which the same can be obtained some discreet Agent to manage the Navy of these States under his order and Inspection until a Secretary of Marine be elected, or the further pleasure of Congress be made known.

Resolved, That the said Superintendant be directed to cause the Accounts of all and singular the persons aforesaid to be settled and adjusted on equitable Principles as soon as possible; That he appoint one or more proper accountants for that purpose; That he cause suits to be commenced against any Person or Persons who shall neglect or refuse to settle his or their said accounts, or to deliver over or pay any Stores or monies in his or their possession, belonging to these States, and that on the Adjustments, Deliveries and Payments aforesaid he give proper Releases and Acquittances.¹

Ordered, That it be referred to a committee of three:

The members, Mr. M[eriwether] Smith, Mr. [Roger] Sherman, Mr. [Daniel of St. Thomas] Jenifer.

Ordered, That a committee of three be appointed, to devise the proper mode of transferring to the superintendant of finance, the business of the several boards and departments to which the institution of his office extends, in order that the said boards and departments may be discontinued as soon as the situation of affairs will admit:

That the said committee confer with the superintendant of finance on the object of their appointment.²

The members, Mr. [William Churchill] Houston, Mr. [Samuel] Osgood, Mr. T[homas] Smith.

[The committee, || consisting of Mr. Houston, Mr. Sherman, Mr. Atlee, || to whom was referred the letter from the Board of Admiralty, of the 12th inst. delivered in a report; Whereupon,

Resolved, That the reason given by James Wharton for neglecting to render his accounts, cannot be admitted:

¹ This motion, dated June 26, 1781, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 28, folio 135. Another version of the second resolution is in the writing of James Madison and is on folio 137, as follows:

"*Resolved*, That the management and direction of the navy be, until a Secretary of Marine shall be appointed, committed to the Superintendent of Finance, and that he be authorized to appoint such temporary agents as may be necessary to execute the business of that Department."

² This motion, undated, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 36, I, folio 203.

That the Board of Admiralty take measures to compel a settlement of those accounts without further delay.]¹

TREASURY OFFICE *June 28th 1781*

The Board of Treasury beg leave to report,

That they have considered the Memorial of David Jackson late Surgeon of the general hospital under the new arrangement, and Senior Physician and Surgeon under the arrangement of 1777 referred to them by Congress the 26th inst and are of opinion it is more proper for the Board of War to decide on the subject of the said Memorial as the business of the Medical Department has been lately transferred to them, and therefore refer the said Memorial to the Hon^{ble} the Board of War for their consideration.²

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JUNE 29, 1781

A letter, of 27, from R. Morris, superintendant of finance, was read:

Ordered, That it be referred to the committee appointed yesterday to confer with him.

A report of the committee of the week was read; Whereupon,

Ordered, That a petition of Augustine Loseau, captain in Colonel Livingston's regiment, be referred to the Board of War;

That a petition of Duncan Campbell, second lieutenant in Colonel Livingston's regiment, be also referred to the Board of War.³

¹ This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 28, folio 131.

The portion in brackets was entered in the Journal by George Bond.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 405. It was postponed, as the indorsement shows.

A letter of this day, from the Board of War, enclosing a letter of the 11th from Colonel Gibson, was read as the indorsement indicates. It is in No. 148, I, folio 407.

³ This report, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 32, folio 183; Loseaux's petition, dated June 20, 1781, is in No. 42, IV, folio 284; Campbell's petition, dated June 20, 1781, is in No. 42, II, folio 108.

The committee to whom was referred the motion of Mr. [Theodorick] Bland; and

The Committee to whom was referred the motion of Mr Bland beg leave to report it as their opinion that it would be very advantageous to the United States that their Marine force should be actively employed, and that every possible attention should be paid to that Department, and that it would greatly add to the experience of their officers and seamen to act in conjunction with the fleet of our August Ally, and thereupon submit the following Resolutions:

Resolved, That the Board of Admiralty immediately lay before the Superintendent of Finance, the exact state of the vessels of war as well unfinished as finished belonging to the American Navy—together with an estimate of the expences necessary to finish and equip them for sea.

Resolved, That the said Superintendent of Finance report to Congress the ways and means for fitting the said vessels for sea.

Resolved, That as soon as any of the said vessels of war as soon as they are equipt for sea, be ordered to join the fleet of our Ally now under the command of Mons. De Barras and put themselves under his order until the further order of Congress.¹

The committee to whom were referred the application of Captain J. P. Jones, and the applications of Captain James Nicholson and Captain Thomas Read, delivered in their reports.

The Committee to whom were referred the application of Capt. John Paul Jones, and also the applications of Capt. James Nicholson and Captain Thomas Read, beg leave to report, that by an arrangement of the Captains of the Navy which was adopted by Congress on the tenth day of October A. D. 1776 Capt. James Nicholson was placed first in Rank, Capt. Thomas Read eighth and Captain John Paul Jones the eighteenth. ~~It also appears that Capt. Abraham Whipple's commission under the appointment of Congress was dated Dec. 22d A. D. 1775. Captain Read's commission was dated~~ The Committee cannot fully ascertain the rule by which that arrangement was made, as the relative rank was not conformable to times

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 28, folio 319. It is indorsed: "August 24, 1781, not to be acted upon."

of appointment or dates of commission and seems repugnant to a resolution of Congress of 22nd of December A. D. 1775. It appears that Captains Whipple Barry, ~~Weeks~~ Hallock and Alexander were appointed Captains previous to either of the applicants, and Capt. Nicholson was ~~the last~~ later than either excepting Read. But Captain Nicholson had a ~~prior~~ command of armed vessels under authority of the State of Maryland prior to his being adopted in the Continental Navy. It is therefore to be presumed that preference was given to him on that account. Upon the whole the Committee submit to Congress whether it will be advisable to alter that arrangement? If they should Captain Jones will now stand fifth Captain, if respect be had only to times of appointment in that grade; but if regard is to be had to Captain Jones being a Lieutenant in the Navy prior to the appointment of many of the other gentlemen, he would then stand second in the rank of Captain and Whipple first.

The Committee also ~~submit~~ recommend to Congress the expediency of appointing a Commander in Chief of the Navy in the place of the late ~~Admiral~~ Esek Hopkins Esq. Dismissed.¹

A report from the Board of War was read; Whereupon,

WAR OFFICE *June 28th 1781*

SIR.

The Board have considered the Memorial of Colonel Moses Hazen and the motion referred to them beg leave to state the following facts for the determination of Congress. That Colonel Hazen at a very early period demonstrated his attachment to the cause of America and has greatly suffered both in his person and property on that account, in his person by being confined in prison for upwards of two months and in his property by having advanced large sums of money to the Continent which are yet unpaid and by having left a valuable estate in Canada in possession of the Enemy.

That Colonel Hazen on the 22nd of January 1776 was appointed to the command of four Battalions to be raised in Canada and in consequence thereof raised four hundred and seventy seven men which on the opening of the Campaign of 1777, were augmented by farther enlistments to the number of seven hundred and twenty non commissioned officers and privates included; they are in the course of

¹ This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, III, folio 299. It is indorsed by Thomson: "August 24, 1781, not to be acted on."

several active Campaigns now reduced to the number of four hundred and twenty non commissioned officers and privates including Col^l Livingston's Regiment and the Independent Corps formerly commanded by Major Ottendorf which have been annexed.

That on the 20th of April in the present Year Congress were pleased to resolve that Colonel Hazen's Regiment should be recruited to its original establishment as soon as the finances of the United States admit of the same being done.

That Colonels younger than Colonel Hazen have been promoted to the rank of General Officers, in particular the Colonels De Haas, Woodford, Mercer, Stevens, Hand, Scott, Weedon, Gist and Morgan, and several others from the States of North Carolina, South Carolina, and Georgia. That Colonel Hazen is a very deserving officer and in the course of the present War has always conducted himself with spirit, activity and attention.

That there are now two Colonels in the Army of the United States whose Commissions are of an older date than Colonel Hazen's to wit Colonel Van Schaick of New York and Colonel Groton of Massachusetts.

That in the resolution for settling the mode of promotion in the Army bearing date the 25th of May in the present Year, Colonel Hazen's Regiment is arranged with the states of New York and New Jersey; of the State of New York there are at present George and James Clinton Brigadiers. There is also in the troops of New York Colonel Van Schaick whose commission is of an older date than Colonel Hazen's.

Upon the whole if Congress should be of opinion that Colonel Hazen should be promoted to the rank he solicits they will be pleased to resolve.

Resolved, That Colonel Moses Hazen be and he hereby is appointed a Brigadier in the Army of the United States by Brevet ~~the resolve of the 25th of May notwithstanding.~~

Or if otherwise they will resolve

That Congress are fully sensible of the merit of Colonel Hazen and regret that the particular circumstances of the Army will not at present admit of a compliance with his request.¹

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 441; a transcript "copy from the reports of the War Office," is in No. 42, III, folio 524.

A report from the Board of War was read; Whereupon,
Ordered, That a warrant issue on the supreme executive council of the State of Pennsylvania in favour of the paymaster general, for four thousand dollars, to enable him to discharge the warrant drawn upon him for three months' pay to the invalid regiment, for which sum the paymaster general is to be accountable.

A motion being made by Mr. [James] Madison, seconded by Mr. M[eriwether] Smith, in the words following:

Additional instruction to the minister plenipotentiary for negotiating a treaty of commerce with Great Britain.

Resolved, That the minister plenipotentiary for negotiating a treaty of commerce with Great Britain be instructed to enter into no such treaty, unless, in addition to the stipulations relative to the fisheries required by Congress in their instructions to the said minister of the 13th August, 1779, all the objects included in their ultimatum relative to a treaty of peace, as the same stood prior to their instructions on that subject of the 15th day of June, instant, be in such treaty of commerce explicitly acknowledged and stipulated to the United States.¹

On the question to agree to this, the yeas and nays being required by Mr. M[eriwether] Smith:

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Sullivan,	no	} no	Mr. Huntington,	ay	} ay
Livermore,	no		Ellsworth,	no	
<i>Massachusetts,</i>			Sherman,	ay	
Mr. Lovell,	no	} no	<i>New Jersey,</i>		
Partridge,	no		Mr. Witherspoon,	no	} div.
Osgood,	no		Houston,	ay	
<i>Rhode Island,</i>					
Mr. Varnum,	ay	} *			

¹ This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, IV, folio 359.

<i>Pennsylvania,</i>			<i>North Carolina,</i>		
Mr. Montgomery,	no	} no	Mr. Sharpe,	ay	} ay
Clymer,	no		Johnston,	ay	
T. Smith,	ay		<i>South Carolina,</i>		
<i>Maryland,</i>			Mr. Mathews,	no	} no
Mr. Jenifer,	no	} no	Bee,	no	
Carroll,	no		Motte,	no	
Potts,	no		Eveleigh,	no	
<i>Virginia,</i>			<i>Georgia,</i>		
Mr. Jones,	ay	} ay	Mr. Walton,	no	} no
Madison,	ay		Few,	no	
Bland,	no				
M. Smith,	ay				

So it passed in the negative.¹

Adjourned to 10 o'Clock on Monday.

MONDAY, JULY 2, 1781

A letter, of 28 June, from R. Morris, superintendant of finance, was read:

Ordered, That it be referred to a committee of three to confer with him on the subject:

The members, Mr. [James] Madison, Mr. [James Mitchell] Varnum, Mr. [Roger] Sherman.

Another letter, of 30 June, from the said superintendant of finance.²

A letter, of 24 June, from General Washington, was read, informing Congress that he has requested three hundred expert riflemen, to be furnished by the State of Pennsylvania, for the present campaign: Whereupon,³

¹ This motion and vote were entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal.

A letter of this day from the Board of War enclosing a letter of Brigadier General Duportail was read. It is in the *Papers of the Continental Congress*, No. 147, V, folio 445.

² The letter of June 28 is in the *Papers of the Continental Congress*, No. 137, I, folio 61; that of June 30 is on folio 65.

³ This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 147.

Resolved, That Congress approve the said request, and that his excellency the president and supreme executive council of Pennsylvania, be informed that the United States in Congress assembled, will allow a deduction of a like number from the infantry militia required of the said State for the southern service; and that whatever bounty they shall think proper to grant to this corps of troops, shall be re-paid to the State, and the men shall be allowed pay, rations, and complete continental establishment, equal to the other troops in the field, during the time they are in service.

Another letter, of 28 June, from General Washington was read:¹

Ordered, That so much thereof as relates to the regulations of the cloathing department be referred to the committee who brought in the report on that subject, and that so much thereof as relates to General Schuyler's engagement, together with the letter, of 20 June, from General Schuyler, be referred to the superintendant of finance.

A letter, of June 7, from the governor of Rhode Island, was read:

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [Theodorick] Bland, Mr. [Samuel] Osgood.

A letter, of 27 June, from the general assembly of Maryland, was read:²

Ordered, That it be referred to the Board of War.

The committee of the week was elected:

Mr. [Samuel] Livermore, Mr. [Theodorick] Bland, Mr. [George] Walton.

Resolved, That a committee of three be appointed to take proper measures for a public celebration of the anniversary

¹ This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 151.

² The Rhode Island letter is in the *Papers of the Continental Congress*, No. 64, folio 504; the Maryland letter is in No. 70, folio 477.

of the independence on Wednesday next: the members, Mr. [George] Clymer, Mr. [Daniel] Carroll, Mr. [George] Walton.

Resolved, That the Board of War take order for furnishing the table of the Commander in Chief.

A letter, of 29th June, from Thomas Barclay, was read, signifying his acceptance of the office of vice consul.

The committee of the week made report; Whereupon,

Ordered, That a memorial of the officers of Pennsylvania regiment of artillery be referred to the Board of War to report specially thereon; ¹

That a memorial of Thomas Hopkins be referred to the Board of Treasury.²

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *June 20th 1781.*

The Board of Treasury beg leave to represent to the U. States in Congress assembled,

That an Estimate exhibited by the Post Mas^r Gen^l now lays before them for 17.958 specie dollars due to the several Claimants in his Department, for Salaries and Arrearages: That the Acc^{ts} of the said Department are now under examination, but can't finally be settled in Time to answer the pressing Purposes of Ebenezer Hazard Surveyor of the Eastern District, whose letter to the Post Mas^r Gen^l is transmitted with this Report for the better information of Congress—whereupon the following resolution is submitted:

Ordered, That a warrant issue on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts, in favour of Richard Bache, postmaster general, for eight thousand dollars of the new emission, to be put into the hands of Ebenezer Hazard, surveyor of the eastern district, to be applied in the post office department,

¹ This memorial, dated June 29, 1781, is in the *Papers of the Continental Congress*, No. 148, II, folio 201.

² This report, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 32, folio 187.

and for which sum the said postmaster general is to be accountable:¹

Ordered, That on the application of George Bond, deputy secretary, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for eight hundred dollars of the new emission to defray the contingent expences of the office of the secretary of Congress, and for which sum the said George Bond is to be accountable.²

A report from the Board of Treasury was read, on the accounts of Mr. Holker:

Ordered, That it be referred to a committee of three:

The members, Mr. M[eriwether] Smith, Mr. [George] Clymer, Mr. [Samuel] Osgood.

A letter, of this day, from the commissioners of the Board of Admiralty, was read.

The committee to whom was referred the motion of Mr. M[eriwether] Smith delivered in a report, which was taken into consideration, and after debate:³

WAR OFFICE July 2nd 1781.

SIR,

The sum really due the Invalid Regiment is seven thousand four hundred and seventy dollars in specie and therefore we beg the favor of Congress to rectify the mistake. According to the advances made to other corps it will be necessary if agreeable to the ideas of Congress to resolve,

That a warrant issue on the Supreme Executive Council of Pennsylvania in favor of the Pay Master Gen^l for twenty nine thousand eight hundred and eighty six dollars and eighty-four ninetieths in bills of the new emission to enable him to advance that sum to the

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 385.

² This report is in the *Papers of the Continental Congress*, No. 136, V, folio 403.

³ The report, in the writing of Meriwether Smith, is to the same effect as his motion of June 26. It is in the *Papers of the Continental Congress*, No. 28, folio 133.

Invalid Regiment on account of pay for which sum the paymaster General is to be accountable.¹

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JULY 3, 1781.

A letter, of 1st, from the hon^{ble} the minister of France was read.²

A letter, of 2, from the superintendant of finance was read:

Ordered, That it be referred to the committee appointed to prepare a draught of an ordinance for collecting the duty of five per cent. on imports and prizes.

A letter, of 22 June, from the President of Delaware;

One, of December 10, from J. Bonfield to the committee of foreign affairs; and

A letter, of this day, from Brigadier General Hazen, were read.³

The committee of the week made report; Whereupon,

Ordered, That a letter of this day from Doctor James Tilton be referred to the Board of Treasury to take order thereon to settle depreciation and grant a certificate as prayed;

They also report on the petition of Elizabeth Burgin praying to be employed in cutting out linen for the use of the Army that the same be referred to the Board of War.

That a petition of Elizabeth Bergin be referred to the Board of ~~Treasury~~ War.⁴

A report from the Board of War was read, ~~soliciting a warrant in favour of the paymaster general for nine thousand seven hundred and sixty dollars:~~

¹ This report, dated this day, is in the *Papers of the Continental Congress*, No. 148, II, folio 5. It was read this day, as the indorsement indicates.

² A translation of this letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 528.

³ The Delaware letter is in the *Papers of the Continental Congress*, No. 70, folio 769; Hazen's is in No. 78, XII, folio 155.

⁴ This report, in the writing of Samuel Livermore, is in the *Papers of the Continental Congress*, No. 32, folio 185. Elizabeth Burgin's petition is in No. 42, I, folio 254.

WAR OFFICE July 2nd 1781.

SIR,

The Board think it advisable that the dismounted dragoons of Col. Moylan's Regiment should march to the Southward; they have expectations that horses may be furnished them in Virginia.

They therefore report

That a warrant issue in favor of the Paymaster General for nine thousand, seven hundred and Sixty dollars of the new emissions to be applied to the use of a detachment of the fourth Regiment of Dragoons, under marching orders to the Southward on account of pay due them.¹

Ordered, That it be referred to the Board of War to take order, the resolution of 4 January notwithstanding, by drawing on the paymaster general for a sum in favour of the detachment of the 4th regiment of Dragoons under marching orders to the southward, on account of pay due to them.

A report from the Committee of Commerce was read; Whereupon,

Ordered, That Henry Gardner, esq. treasurer of the State of Massachusetts, be directed to advance to Isaac Smith, of Boston, in behalf of himself and the other owners of the schooner *Hawke*, so many dollars in bills of the new emission as will be sufficient to pay them the sum of seventy pounds sterling, being the amount of the freight and interest due thereon by the said schooner *Hawke*; and that the Board of Treasury issue a warrant accordingly.

Ordered, That Joseph Clarke, commissioner of the continental loan office for the State of Rhode Island, pay to Messrs. Nicholas and John Brown, such a sum in bills of the new emission, as will enable the said Nicholas and John Brown to take up and discharge a certain bill of exchange drawn on them by Messrs. Penet, D'Acosta Freres and Co. for three thousand seven hundred and thirty-eight livres, fourteen sous, and nine deniers tournois, dated Nantes, March 10, 1781, the said bill being for amount of a debt con-

¹ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 9.

tracted by the said Nicholas and John Brown, as agents of the United States; and that the Board of Treasury issue a warrant accordingly.¹

A report from the Board of War was read; Whereupon,

Ordered, That the Board of War draw a warrant on the paymaster general in favour of Colonel Daniel Broadhead, for two hundred and eighty-five dollars in bills of the new emission on account of his pay;² and

WAR OFFICE *July 2nd 1781.*

SIR,

The board have the honor to inform Congress that Captain Sigogné at present commanding officer of Col. Armand's Legion is about setting off to the Southward with arms Clothing and accoutrements for that corps and is now in great distress for money.

The board therefore report

another on the said paymaster general in favour of Captain Sigogne of Colonel Armand's legion, for five hundred and forty dollars in like bills, on account of his pay.³

A report from the Board of Treasury was read; Whereupon,

Resolved, That for the greater despatch in destroying the several emissions of the old continental currency as they come into the treasury of the United States, another commissioner be added to those already appointed for that purpose; which commissioners, or any one of them, shall also examine, count and burn such of the emissions of May 20, 1777, and April 11, 1778, as are or may be deposited in the treasury aforesaid.⁴

The commissioner elected, Mr. Nathaniel Donnel.

¹ This paragraph, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 31, folio 221.

² This report is in the *Papers of the Continental Congress*, No. 148, II, folio 13.

³ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 1.

⁴ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 407.

Another report from the Board of Treasury on the accounts of Colonel M. Hazen's regiment, was read:

Ordered, That it be referred to a committee of three:

The members, Mr. [Samuel] Johnston, Mr. [Isaac] Motte, Mr. [George] Clymer.

The committee appointed to confer with the superintendant of finance and take order for procuring a sum of specie, delivered in a report; Whereupon,

Resolved, That the superintendant of finance be and he is hereby empowered to pursue such measures as he may think proper for exporting and importing goods, money and other articles, at the risque and for the account of the United States, at such times and in such manner as he shall deem necessary and useful to the public service.¹

A report of the Board of War on the petitions of Lieutenants Loseau and Campbell, was read.

WAR OFFICE. *June*. [July] 3. 1781

SIR,

The Board have considered the memorial of Captain Loiseau and Lt Campbell, late of Colonel Livingston's regiment referred to them by Congress. With respect to the first Gentleman he was tried by a Court Martial and broke. He appealed to Congress who were pleased to direct a re-examination, but it was never made. He produces a certificate from the Colonel after these proceedings, setting forth that he was discharged as a Supernumerary the 12th July 1779, under the resolves of Congress then existing with respect to the arrangement of the army.

Lieu^t: Campbell was discharged under the same resolves the 15th June 1779.

The situation of these Gentlemen is exactly the same with all the supernumerary Officers retiring under the arrangement for reforming

¹ This resolution was also entered in the manuscript Secret (Domestic) Journal. A copy signed by Charles Thomson is in the *Papers of the Continental Congress*, No. 137, II, folio 287.

the Army in 1779, except that they are Canadians and expatriated. The provision to be made for them will probably be considered as a precedent, and as we have reported fully upon this subject heretofore, we deem it unnecessary to make any report on their particular case, leaving it to fall under any general regulation Congress may be pleased to adopt, unless they deem it proper to make particular provision for the Canadian Officers.

It appears that Captain Loiseau received the year's extra pay allowed to supernumerary officers, and Lt: Campbell as he alledges only half a year's pay on that account.¹

Adjourned to 10 o'Clock on Thursday; and from thence to 10 o'Clock on Friday.

FRIDAY, JULY 6, 1781

A letter, of 28 June, from Major General the Marquis de la Fayette was read, with sundry papers enclosed:²

Ordered, That it be referred to the Committee of Intelligence.

A letter, of 1, from the governor of the State of New York, was read, with sundry papers enclosed:³

Ordered, That the same be referred to a committee of three:

The members, Mr. [John] Mathews, Mr. [James Mitchell] Varnum, Mr. [Oliver] Ellsworth.

A letter, of June 12, from Major General Baron de Steuben, was read:

Ordered, That it be referred to the Board of War.

A letter, of 4, from Captain J. P. Jones;⁴ and

One, of 4 May, from D. J. Jos. Navarro, governor of Havannah, were read.

¹ This report is in the *Papers of the Continental Congress*, No. 147, V, folio 265.

² This letter is in the *Papers of the Continental Congress*, No. 156, folio 155.

³ This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 390.

⁴ Steuben's letter is in the *Papers of the Continental Congress*, No. 164, folio 226. Jones's is in No. 168, I, folio 480.

A letter, of 5, from the Board of War, was read, enclosing two estimates from the deputy quartermaster for Pennsylvania:

Ordered, That the same be referred to the Board of War to take order, in conjunction with the superintendant of finance.

The committee of the week made report; Whereupon,

The Committee of the week report, on the letter of Cap^t George Melvin, a prisoner of war, on parole, requesting to be allowed Rations.

Ordered, That a letter, of 5, from George Melvin,¹ be referred to the Board of War;

Also on the letter of Ebenezer Hazard Esq^r Inspector of the post office, respecting sundry letters to the treasurer of loans, the postage whereof the said treasurer of loans refused to pay.

That a letter, of 6, from E. Hazard, be referred to the Committee on the Post Office.²

The committee, ||consisting of Mr. Houston, Mr. Osgood, Mr. T. Smith,|| to whom was referred the letter, of 27 of June, from the superintendant of finance delivered in a report; Whereupon,

Resolved, That the transactions of Robert Morris, esq. as superintendant of the finances of the United States, previous to the taking of the oaths of office by him the said superintendant, be and they are hereby declared to be valid and authentic to all intents and purposes whatsoever:

That the said Robert Morris be accountable for the same, in like manner with other his official transactions:

That the acceptance of the trust and powers granted to the said superintendant by certain resolutions of the assembly of Pennsylvania, bearing date the 25 day of June, 1781,

¹ Melven's letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 203.

² This report, in the writing of Samuel Livermore, is in the *Papers of the Continental Congress*, No. 32, folio 189.

will, in the opinion of Congress, have a tendency to promote the public service of the United States, wherefore they do approve thereof.¹

The committee, ||consisting of Mr. Madison, Mr. Varnum, Mr. Sherman,|| to whom was referred the letter, of 28th June, from the superintendant of finance also delivered in a report; Whereupon,

Resolved, That the superintendant of finance be, and he is hereby authorised to appoint an assistant in his department, who shall be entitled to an annual salary of eighteen hundred and fifty Spanish milled dollars, to be paid quarterly from the treasury of the United States; and two clerks who shall be entitled each to the annual salary of five hundred Spanish milled dollars to be paid in like manner.²

The President having informed the United States in Congress assembled, that his ill state of health will not permit him to continue longer in the exercise of the duties of that office, and requested leave of absence:

Ordered, That Monday next be assigned for electing a president.

The report of the committee, ||consisting of Mr. M. Smith, Mr. Sherman, Mr. Jenifer,|| on the motion of Mr. M[eriwether] Smith, was taken into consideration;

~~That the first Monday in November next be assigned for electing a Minister of Marine.~~

Negatived. That election of a Secretary of Marine be postponed, until the first Monday in November next.

That until such ~~minister is appointed~~ appointment is made, or until farther order be taken by the United States in Congress Assembled, the fitting out and employing the vessels of war belonging to the

¹ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, IV, folio 321.

² This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 19, IV, folio 323.

United States be committed to the Superintendent of Finance, and that he be empowered to appoint an agent or agents to execute what relates to the fitting out, manning and equipping for sea the said vessels, and also for paying off the crews, and taking the charge of and disposal of the captures and prizes that may be made.

That the care of marine prisoners, heretofore entrusted to the Board of Admiralty, be transferred to the Commissary of Prisoners, under the direction of the Board of War.

That the Seal of the Admiralty be deposited with the Secretary of Congress, and that he seal and countersign the commissions heretofore issued by the Board of Admiralty until a Secretary of Marine is appointed.

That all other duties of the Board of Admiralty be for the present suspended and that the Board of Admiralty, the several navy boards, the continental agents in the marine department, and all persons in authority under them, be and they are hereby removed, and that from and after the passing of this act the authorities, powers, privileges and emoluments to them or any of them given by any former act or acts of Congress, do cease, determine and be utterly void.

That the Superintendent of finance be and he is hereby directed to cause the accounts of all and singular the persons aforesaid to be settled and adjusted on equitable principles as soon as possible; That he appoint one or more proper accountants for that purpose if he think it necessary

That he cause suits to be commenced against any person or persons who shall neglect or refuse to settle his or their said accounts, or to deliver over or pay any stores or monies in his or their possession belonging to these United States, and that on the adjustments, deliveries and payments aforesaid he give proper releases and acquittances.¹

and on the question to agree to the first paragraph, viz.

“That the election of a secretary of marine be postponed till the first Monday in November next.”

The yeas and nays being required by Mr. [John] Sullivan,

¹ This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 28, folio 149.

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	no	} no	Mr. Jenifer,	no	} ay
Livermore,	no		Carroll,	ay	
<i>Massachusetts,</i>			Potts,	ay	
Mr. Lovell,	no	} no	<i>Virginia,</i>		
Partridge,	no		Mr. Jones,	ay	} ay
Osgood,	no		Madison,	ay	
<i>Rhode Island,</i>			Bland,	ay	
Mr. Varnum,	no	} *	M. Smith	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Huntington,	no	} no	Mr. Sharpe,	ay	} ay
Ellsworth,	no		Johnston,	ay	
Sherman,	no		<i>South Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Mathews,	ay	} div.
Mr. Montgomery,	no	} ay	Bee,	no	
Clymer,	ay		Motte,	ay	
T. Smith,	ay		Eveleigh,	no	
<i>Delaware,</i>			<i>Georgia,</i>		
Mr. Rodney,	no	} no	Mr. Walton,	ay	} ay
McKean,	no		Few,	ay	

So the question was lost.

Ordered, That the remainder be referred to a committee of three: the members, Mr. [Thomas] McKean, Mr. [Oliver] Ellsworth, Mr. [Theodorick] Bland.

[Adjourned to 10 o'Clock to Morrow.]

SATURDAY, JULY 7, 1781

A letter, of 6, from Colonel D. Broadhead, was read:¹

Ordered, That it be referred to the Board of War, to take order.

A report from the Board of Admiralty was read, enclosing a letter, of 3, from Captain J. P. Jones:

ADMIRALTY OFFICE *July 6th 1781.*

The Commissioners of the Admiralty have the honor to inclose to the United States in Congress assembled a letter from Capt. Jones,

¹ This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 215.

recommending William Nicholson, and desiring that they would apply to Congress that his appointment as Captain of Marines might be confirmed.

The Commission that M^r Nicholson now holds, and which is also enclosed is a full Commission, and one of those which long since, and during the Presidency of M^r Hancock, were we presume by order of Congress transmitted to your Commissioners in France, to be issued in case of necessity. What number of officers have been created in this manner, we are not informed, nor of their merit, but suppose that many of the officers who served under Capt. Jones in his expedition to the North Seas, and several other previous thereto, were furnished with those Commissions.

It might have been expedient to send blank Commissions to your Ministers at Foreign Courts, to be issued as circumstances should render it necessary, but we conceive such Commissions should have been temporary, and besides there seems to be an impropriety in Commissions being dated in foreign parts, and signed by a person as President, who was not President at the time when they were dated.

We wish to have the sense of Congress on the following questions: Whether officers created in manner aforesaid are to bear rank in the Navy of these States, according to their Commissions? And whether new Commissions are to be issued bearing date with those issued abroad to all such as shall have received the Commissions of these States in France or in other Kingdoms or States from your Ministers or Commissioners?

We would only add because we would not take up too much of the time of your Honorable assembly, that M^r Dale, late Lieutenant of the *Ariel* and M^r Livingston late Lieutenant of the *Boston*, have exhibited their Commissions to this Board, and they are similar to that of M^r Nicholson.

The Commissioners of the Admiralty beg leave to renew their request that your Honorable assembly would be pleased to take into consideration their application, respecting their salaries and the mode of paying them.¹

Ordered, That the same be referred to a committee of three:

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 495.

The members, Mr. [Daniel of St. Thomas] Jenifer, Mr. [Roger] Sherman, Mr. [Theodorick] Bland.

The letter, of 14 April, from the Board of Admiralty, was called for, and a motion thereon being made and question put, "that the salary of the commissioners of the Board of Admiralty be augmented,"

Passed in the negative.¹

Resolved, That the application of the Board of Admiralty of 2, in behalf of themselves and the secretary of the Board, for the payment of the balance of salary due to them, be referred to the superintendant of finance to take order.

The committee, ||consisting of Mr. Johnson, Mr. Motte, Mr. Clymer,|| to whom were referred the several papers accompanying Colonel Hazen's application delivered in a report; Whereupon,

That the difference in opinion between the Treasury Board and the chamber of accounts, with respect to the vouchers which should be required of the times of enlistment and periods of service of such part of Col. Hazen's Regiment whose depreciation is to be made up by the United States, having proceeded from the want of a precedent in the Treasury office; the Committee conceive that no higher degree of Evidence ought to be required in this case than that which has been accepted by the States having troops serving in the said Regiment. They therefore offer the following resolution:

Resolved, That the Board of Treasury in the settlement of the depreciation due to that part of Colonel Hazen's regiment not of the quota of any State, admit such evidence of the times of inlistment and periods of service as have been accepted by any of the states in settling with other parts of the said regiment, and that the said Board appoint some person, who shall deliver certificates for the balances due on account of depreciation, to the officers and soldiers respectively to whom they shall be due; he taking their receipts for

¹ This letter is in the *Papers of the Continental Congress*, No. 37, folio 407.

the same, to be transmitted to and lodged in the treasury office.¹

The committee ||consisting of Mr. Sullivan, Mr. Bland, Mr. Osgood,|| to whom was referred the letter, of June 7, from the governor of Rhode Island, delivered in a report; Whereupon,

It appearing to the United States in Congress assembled, that a complete regiment of Militia should be immediately furnished for the defence of Rhode Island, to do duty there till the first day of November next unless sooner discharged by Congress,

Therefore Resolved, That it be earnestly recommended to the New England States immediately to furnish the same in the following proportions, viz:

	Cols.	Lt. Cols.	Majors.	Capts.	Lts.	Serj ^s .	Drum and Fife.	Rank and File.
New Hampshire.....				1	2	3	2	68
Massachusetts.....		1		4	8	12	8	272
Rhode Island.....			1	1	2	3	2	68
Connecticut.....				3	6	9	6	204
	0	1	1	9	18	27	18	612

Resolved, That the said Troops be supplied with rations and paid at the expence of the United States,

Resolved, That so much of the said letter as relates to a call for militia for the defence of that island, be referred to the Commander in Chief; and that he be authorised to call upon the four eastern states, namely, New Hampshire, Massachusetts, Rhode Island, and Connecticut, for such number of militia for the defence of Rhode Island as he shall think necessary.²

The committee to whom were referred the memorial and other papers of the Baron d'Arendt delivered in a report.

¹ This report, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 19, III, folio 97.

² This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 20, I, folios 205 and 208.

A motion was made by the delegates of South Carolina, that the Board of War be directed to forward to the State of South Carolina, with all convenient dispatch, three thousand stand of arms for the use of the militia of that state.

A motion was made by Mr. [Oliver] Ellsworth, seconded by Mr. [James Mitchell] Varnum, to strike out the words "for the use of the militia of that State:" and in lieu thereof insert, "to be disposed of as the commanding officer of the southern department shall direct;" a division was called for, and on the question to strike out the words "for the use of the militia of that State;" the yeas and nays being required by Mr. [John] Mathews:

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jenifer,	no	} no
Livermore,	ay		Carroll,	no	
<i>Massachusetts,</i>			Potts,	no	
Mr. Lovell,	ay	} no	<i>Virginia,</i>		
Partridge,	no		Mr. Jones,	no	} no
Osgood,	no		Bland,	no	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Varnum,	ay	} *	Mr. Sharpe,	no	} no
<i>Connecticut,</i>			Johnston,	no	
Mr. Huntington,	no	} ay	<i>South Carolina,</i>		
Ellsworth,	ay		Mr. Mathews,	no	} no
Sherman,	ay		Bee,	no	
<i>Pennsylvania,</i>			Motte,	no	
Mr. Montgomery	no	} no	Eveleigh,	no	
T. Smith	no		<i>Georgia,</i>		
<i>Delaware,</i>			Mr. Few,	no	} no
Mr. Rodney,	ay	} *	Howly,	no	

So it passed in the negative.

A motion was then made by Mr. [Roger] Sherman, seconded by Mr. [Theodorick] Bland, between the words "arms" and "for" to insert "to be disposed of as the commanding officer of the southern department shall direct."

On which the yeas and nays being required by Mr. [John] Mathews,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	no	} no	Mr. Jenifer,	no	} no
Livermore	no		Carroll,	no	
<i>Massachusetts,</i>			Potts,	no	
Mr. Lovell,	ay	} ay	<i>Virginia,</i>		
Partridge,	ay		Mr. Jones,	ay	} ay
Osgood,	no		Bland,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Varnum,	ay	} *	Mr. Sharpe,	no	} no
<i>Connecticut,</i>			Johnston,	no	
Mr. Huntington,	ay	} ay	<i>South Carolina,</i>		
Ellsworth,	ay		Mr. Mathews,	no	} no
Sherman,	ay		Bee,	no	
<i>Pennsylvania,</i>			Motte,	no	
Mr. Montgomery,	no	} div.	Eveleigh,	no	
T. Smith,	ay		<i>Georgia,</i>		
<i>Delaware,</i>			Mr. Few,	no	} no
Mr. Rodney,	ay	} *	Howly,	no	

So it passed in the negative.

After debate,

Ordered, That the farther consideration of the motion be postponed.

TREASURY OFFICE, July 6th 1781.

The Board of Treasury beg leave to lay before the United States in Congress assembled, the application of Ebene^r Hazard Surveyor of the post office: and to acquaint Congress that there are no Funds within the reach of the Board on which they can draw to satisfy the request of the applicant. For the same Reason they also submit the application of the Honorable M^r Johnston a Delegate from the State of North Carolina for one thousand Dollars new emissions.¹

Adjourned to 10 o'Clock to Morrow. [Monday.]

¹ This report is in the *Papers of the Continental Congress*, No. 136, V, folio 409, and was read on this day, as the indorsement indicates.

MONDAY, JULY 9th, 1781

A letter, of 28 June, from J. Bradford, was read:¹

Ordered, That so much thereof as relates to duck be referred to the Board of War; and

That so much thereof as relates to copper be referred to the superintendant of finance.

A letter, of 20th June, from the president of the State of New Hampshire to the delegates for that State was read, with sundry papers enclosed:²

Ordered, That the same be referred to a committee of five:

The members, Mr. [Roger] Sherman, Mr. [Thomas] McKean, Mr. [Daniel] Carroll, Mr. [James Mitchell] Varnum, Mr. [James] Madison.

A note from Mr. Ellery, one of the commissioners of the Board of Admiralty, was read, informing that his family affairs press his return home, and therefore requesting leave of absence:

Ordered, That leave be granted.

The committee of the week:

Mr. [Thomas] Rodney, Mr. [Richard] Potts, Mr. [Joseph] Montgomery.

According to the order of the day, the House proceeded to the election of a President, and the ballots being taken:

The hon^{ble} Samuel Johnston was elected.

A letter of this day, from the superintendant of finance was read:³

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Mathews, Mr. [Daniel] Carroll, Mr. [John] Sullivan.

[Adjourned to 10 o'Clock to Morrow.]

¹ This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 225.

² This letter is in the *Papers of the Continental Congress*, No. 40, II, folio 49.

³ This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 69.

TUESDAY, JULY 10, 1781

Mr. [Samuel] Johnston having declined to accept the office of President, and offered such reasons as were satisfactory, the House proceeded to another election; and, the ballots being taken, the hon. Thomas McKean was elected.

A letter, of 10, from Charles Morse, was read:

Ordered, That it be referred to the Board of Treasury.

A letter from Jesse Brown was read:¹

Ordered, That it be referred to the Board of War to take order.

On motion of the delegates of Georgia:

Ordered, That a warrant issue in their favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for one thousand dollars, for which the said State of Georgia is to be accountable.

On motion of Mr. [John] Mathews, seconded by Mr. T[homas] Smith:

Ordered, That a committee of five be appointed to confer with the superintendant of finance on the means proper to be adopted for the purpose of defraying the expences of the delegates of ~~the states of North Carolina, South Carolina and Georgia~~ such of the states as from the events of the war may be unable to provide for their support during their attendance in Congress; also on the means for paying the salaries due to the civil officers and clerks of the boards or offices immediately under Congress.

The members, Mr. [Oliver] Ellsworth, Mr. [George] Clymer, Mr. [John] Mathews, Mr. [William] Sharpe, Mr. [James] Madison.

A report from the Board of War was read; Whereupon,

Ordered, That the Board of War be and they are hereby authorised to draw a warrant on the paymaster general in

¹ Morse's letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 207; Brown's, undated, is in No. 78, IV, folio 233.

favour of Captain Bedkin of Armand's legion, for fifteen hundred and forty dollars in bills of the new emission on account of pay due to the officers and men of his troop under marching order to the southward.¹

The delegates for the State of South Carolina laid before Congress an account of Benjamin Darrell for the hire of a vessel to carry a number of persons who were prisoners in the power of the enemy from Charlestown to Philadelphia:²

Ordered, That it be referred to the Board of War to report.

A report from the Board of War was read; Whereupon,

WAR OFFICE *July 10. 1781.*

SIR,

The Board are about drawing up at the request of the Superintendent of Finance the form of a Contract for supplying of rations. On examination of the Powers given to the Superintendent of Finance, we do not find any explicit authority delegated to him for the purpose, and as this must be recited in the Contract we request Congress will be pleased to resolve,

Resolved, That the superintendant of finance be, and he is hereby authorised, either by himself or such person or persons as he shall, from time to time, appoint for the purpose, to procure on contract all necessary supplies for the use of the army or armies of the United States, and also for the navy artificers, or prisoners of war, and also the transportation thereof; and all contracts or agreements heretofore made, or which shall be hereafter made by him or persons under his authority, for the purposes aforesaid, are hereby declared to be binding on the United States.³

The delegates for the State of Massachusetts, committee ||consisting of Mr. Lovell, Mr. Partridge, Mr. Osgood,|| to whom was referred the petition of James and William Winthrop delivered in a report; Whereupon,

¹ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 19.

² This account is in the *Papers of the Continental Congress*, No. 20, II, folio 407.

³ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 15.

Ordered, That Messrs. James and William Winthrop, be permitted to occupy the barracks, standing without the fortifications on Governor's Island, in the harbor of Boston, for the purpose of a barn, until farther order shall be taken respecting the same by the United States in Congress assembled.¹

The committee, ||consisting of Mr. Clymer, Mr. Sullivan, Mr. Mathews,|| appointed to prepare a commission and instructions to Thomas Barclay, vice consul, reported a draught, which was agreed.

COMMISSION TO THOMAS BARCLAY, ESQUIRE.

The United States of America in Congress assembled,
to Thomas Barclay, Esquire, Greeting.

We, reposing special trust and confidence in your abilities and integrity, do by these presents constitute you our vice consul in France, during the absence of William Palfrey, esquire, our consul, from that kingdom, or during the pleasure of Congress, to exercise the functions and to enjoy all the honors, authorities, pre-eminences, privileges, exemptions, rights, and emoluments to the said office appertaining. And we hereby enjoin it upon all merchants of these United States, and upon all captains, masters and commanders of ships and other vessels, armed or unarmed, sailing under our flag, as well as all other of our citizens, to acknowledge the said Thomas Barclay, and to obey him in his vice consular quality; praying and requesting our very dear great friend and ally, his Most Christian Majesty, his governors and other officers whom it may concern, to permit the said Thomas Barclay fully and peaceably to enjoy the said office, without giving, or suffering to be

¹ This report, in the writing of James Lovell and Charles Thomson, is in the *Papers of the Continental Congress*, No. 19, VI, folio 581.

given, any molestation or trouble to him; but on the contrary to afford him all countenance and assistance; offering to do the same for all those who shall be in like manner recommended to us by him.

In testimony whereof, we have caused these presents to be given in Congress, at Philadelphia, this 10th day of July, in the year of our Lord, 1781, and in the 6th year of our independence.

INSTRUCTIONS TO THOMAS BARCLAY, ESQUIRE.

SIR,

Herewith you will receive a commission, constituting you our vice consul in France, during the absence of William Palfrey, Esquire, our consul, from that kingdom, or during the pleasure of Congress.

You are at liberty to fix your residence at that port which may be best adapted to the execution of the powers entrusted to you: for besides your proper vice consular functions, you are to receive and forward all supplies to be obtained in that kingdom for the use of the United States, and to assist in directing our naval affairs.

You will regularly transmit to us accounts of the civil and military constitutions of the place where you reside, of its advantages for commerce with the world in general, and especially with these United States.

You will give to our minister plenipotentiary in France such observations as you may from time to time make, or obtain, tending to promote, through him, the service of your country. You will receive from America, according as good opportunities present, funds for the discharge of your duties as our commercial agent; but at your first arrival, and in cases of absolute necessity, you are authorised to draw upon our minister plenipo-

tentiary in France, taking care always to give him early notice of such necessities, that he may aid you from funds procured on our account, without doing injury to our other concerns. You may also draw, under like circumstances, upon other funds which you shall know to have been procured for us in Europe.

You are hereby authorised and instructed to call for any property belonging to these United States, and now in the hands of any persons who have acted as agents for us in France, so that you may obtain a comprehensive view of our effects there, and may contrive the best modes of transmitting them to America.

You will also carefully attend to such instructions as we shall from time to time communicate to you, either directly or through our ministers plenipotentiary.

Done at Philadelphia, the 10th day of July, in the year of our Lord, 1781, and in the 6th year of our independence. By the United States in Congress assembled.¹

A letter, of 6, from General Washington, was read.²

Resolved, That the thanks of Congress be given to the hon. Samuel Huntington, late President of Congress, in testimony of their approbation of his conduct in the chair and in the execution of public business.

Mr. S[amuel] Johnston laid before Congress an account delivered to him by Mr. Hitzheimer for keeping his horse in the public stables:

¹ This report, in the writing of George Bond, is in the *Papers of the Continental Congress*, No. 25, I, folio 431. A copy of the instructions is in No. 137, I, folio 769.

The Commission and Instructions to Thomas Barclay were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. A copy is in Secret Journal, No. 6, Vol. III. It was entered in No. 4 by George Bond.

² This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 159. It is printed in the *Writings of Washington* (Ford), IX, 295.

Ordered, That it be transmitted to the Board of Treasury, and that it be charged to the account of the State of North Carolina.

Ordered, That Mr. S[amuel] Johnston have leave of absence. Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JULY 11, 1781

A memorial from Mons^r Marbois, chargé des affaires of France in the absence of the Minister, was read:¹

Ordered, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [James] Madison, Mr. [George] Partridge.

A letter, of this day, from Thomas Hutchins, was read, signifying his acceptance of the office of geographer to the southern army:²

Resolved, That the geographer to the main army, and also the geographer to the southern army, be stiled "*Geographer to the United States of America*," and commissioned and considered as such; and that they ~~continue with the army to which they are respectively assigned so long as their services are necessary therein~~ perform such services as the Commander in Chief, and commanding officer of the southern army, may judge necessary to assign them respectively.

Ordered, That so much of Mr. Hutchins' letter as relates to a covered waggon, &c. be referred to the Board of War.

A petition of Lieutenant Colonel S. Bush was read:³

Ordered, That it be referred to the Board of War.

¹ Marbois's memorial, dated July 9, 1781, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 553.

² This letter is in the *Papers of the Continental Congress*, No. 60, folio 161.

³ This petition, dated July, 1781, is in the *Papers of the Continental Congress*, No. 42, I, folio 258.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR July 11th 1781

Present Mr Peters

Colonel Grayson

General Cornell

The Board having taken into consideration the letter of the 12th Ult^o. from Major General Steuben referred to them from Congress.

Beg leave to report,

Ordered, That the Board of War be authorised to draw a warrant on the paymaster general in favour of Captain Du Ponceau, aid de camp to Major General Steuben for eight hundred and eighty-eight dollars in bills of the new emission on account of his pay, for which sum he is to be accountable.¹

The committee to whom was referred the letter, of 9th, from the superintendant of finance delivered in a report, which was agreed to.

On the report of the committee, consisting of Mr. [John] Mathews, Mr. [Daniel] Carroll and Mr. [John] Sullivan, to whom was referred a letter of the 9th, from the superintendant of finance:

Resolved, That Congress approve of the superintendant of finance undertaking the negotiation of loans either in Spain or Portugal, in conjunction with Mr. Jay, on the most advantageous terms the same can be obtained;

That Mr. Jay be authorised to send Mr. Carmichael to Lisbon, on the plan proposed by the superintendant of finance; provided Mr. Jay shall be of opinion his presence in Spain can at the time be dispensed with.²

On motion of Mr. [Daniel of St. Thomas] Jenifer, one of the members of the Board of Admiralty:

¹ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 27.

² This report was entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. It was entered in No. 4 by George Bond. A copy is in Secret Journal, No. 6, Vol. III. The draft is in the *Papers of the Continental Congress*, No. 31, folio 321, and is in the writing of John Mathews.

Resolved, That the frigate *Trumbull* be put under the direction of Mr. Morris, superintendant of finance, for such service as he may judge necessary; and that the captain of the said frigate receive and obey the orders and instructions given to him by the said superintendant.

The report of the committee, ||consisting of Mr. Sullivan, Mr. Varnum, Mr. Bland,|| on the memorial and other papers of Baron D'Arendt, was taken into consideration, namely, that part wherein they report that it may be proper to resolve,

The committee to whom was referred the Memorial and other papers of the Baron d'Arendt beg leave to report.

That the Baron d'Arendt entered the service early in 1777. That he served in the army of the United States with great zeal and fidelity, until the 18th Day of August 1778 when he obtained leave of absence to return to Europe for the purpose of curing a wound received by a fall from his horse. That when he was about returning to America, Mr William Lee then Minister Plenipotentiary of the United States to the Court of Berlin, employed the Baron to transact some business for these states at that Court and as soon as this was completed he returned to America and is now ready to join the army. If Congress think proper to continue him in service it may be proper to resolve,

That the Baron d'Arendt be continued in the service of the United States, with his former rank; that the Board of Treasury settle with him for his pay and depreciation up to this time; and that he repair to the Army and receive his instructions from the Commander in Chief.

But should Congress be of opinion that the Baron d'Arendt cannot be continued in service consistent with the late arrangement of the army, it may be proper to resolve,

That the Baron d'Arendt be allowed his pay and depreciation up to the first day of January last and that from that time he receive his half pay in the same manner as other officers reduced by the late arrangement.

But should Congress be of opinion that the Baron d'Arendt cannot at present be considered as a reduced officer on half pay, it may be proper to resolve,

That the Board of Treasury settle with the Baron D'Arendt for his pay and depreciation, up to the first day of January, 1781;

And that he be entitled to such future pay and emoluments as may be allowed by Congress to other foreign officers in similar circumstances.¹

A question being taken on the first part: passed in the affirmative.

On the second part the previous question was moved by the State of Connecticut, seconded by the State of Georgia; and on the question to agree to the previous question, the yeas and nays being required by Mr. T[homas] Smith.

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	no	} no	Mr. Jenifer,	no	} no
Livermore,	no		Carroll,	no	
<i>Massachusetts,</i>			Potts,	ay	
Mr. Lovell,	no	} ay	<i>Virginia,</i>		
Partridge,	ay		Mr. Jones,	ay	} ay
Osgood,	ay		Madison,	ay	
<i>Rhode Island,</i>			Bland,	no	
Mr. Varnum,	no	} *	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Sharpe,	ay	} *
Mr. Ellsworth,	ay	} ay	<i>South Carolina,</i>		
Sherman,	ay		Mr. Mathews,	no	} no
<i>Pennsylvania,</i>			Motte,	no	
Mr. Montgomery,	no	} no	Eveleigh,	no	
Clymer,	no		<i>Georgia,</i>		
T. Smith,	no		Mr. Few,	ay	} ay
<i>Delaware,</i>			Howly,	ay	
Mr. Rodney,	no	} no			
McKean,	no				

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. [John] Sullivan,

¹ This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, II, folio 15.

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jenifer,	ay	} ay
Livermore,	ay		Carroll,	ay	
<i>Massachusetts,</i>			Potts,	ay	
Mr. Lovell,	ay	} ay	<i>Virginia,</i>		
Partridge,	ay		Mr. Jones,	ay	} ay
Osgood,	no		Madison,	ay	
<i>Rhode Island,</i>			Bland,	ay	
Mr. Varnum,	ay	} *	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Sharpe,	ay	} *
Mr. Ellsworth,	ay	} div.	<i>South Carolina,</i>		
Sherman,	no		Mr. Mathews,	ay	} ay
<i>Pennsylvania,</i>			Motte,	ay	
Mr. Montgomery,	ay	} ay	Eveleigh,	ay	
Clymer,	ay		<i>Georgia,</i>		
T. Smith,	ay		Mr. Few,	ay	} ay
<i>Delaware,</i>			Howly,	ay	
Mr. Rodney,	ay	} ay			
McKean,	ay				

So it was resolved in the affirmative.

Whereas the Baron D'Arendt, cannot, consistent with the arrangement of the army made in October last, and which took effect in January 1781, be considered in the service of these states since that time, nor at present be allowed half pay, in the same manner as was allowed to officers reduced by that arrangement,¹

Resolved, That the Board of Treasury [settle with the Baron D'Arendt, for his pay and depreciation, up to the said 1st day of January, 1781; and that he be entitled to such future pay and emoluments, as may be allowed by Congress to other foreign officers in similar circumstances.

A report from the Board of War was read; Whereupon,

¹ This paragraph, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, II, folio 19.

AT A BOARD OF WAR July 11th, 1781

Present Mr Peters

Colonel Grayson

General Cornell

The Board have been honored with a reference from Congress of the Memorial of Jesse Brown and a direction to take order thereon, and beg leave to inform Congress that they have no means of procuring payment, it being improper to draw on the Paymaster General for any matter unconnected with the Army, and indeed any warrant upon him would not be productive. They therefore return the memorial to Congress and suggest that a reference to the Treasury Board, or the Superintendant of Finance might possibly put Mr Brown in a way of obtaining his request.¹

Ordered, That the letter, of 10th, from Jesse Brown, be referred to the Board of Treasury to take order.]²

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JULY 12, 1781

A letter, of 11, from Mr. Huntington, late President, was read;

Ordered, That the vote of thanks, and this letter in answer thereto be published.

A letter of this day from Mr. Lewis, a commissioner of the Board of Admiralty, was read, requesting leave to resign:³

Ordered, That the same, together with the report of the Board of Admiralty respecting A. Murray, be referred to the committee on the report from the said Board on a letter, of 3, from Captain J. P. Jones.

The Admiralty Board to whom the Memorial of Alexander Murray, and a letter which accompanied it, from Capt. James Nicholson were referred, beg leave to Report,

¹ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 23.

² The portion in brackets was entered by George Bond.

³ Huntington's letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 159; Lewis's is in No. 78, XIV, folio 445.

That it appears from said memorial and letter that the memorialist had been promised by M^r Hancock who was chairman of the Marine Committee, and several other Members of Congress the rank of a Lieutenant in the Navy of the United States—and it further appears from Conversation with persons acquainted with him, that he is a man of merit and well skilled in marine affairs.

The Board therefore recommend Alexander Murray as a person entitled to the Rank of Lieutenant in the Navy of the United States of America, and that a Commission should issue accordingly.

ADMIRALTY OFFICE

18th June 1781.¹

The committee of the week made report; Whereupon,
Ordered, That a letter of N. Denison be referred to the Board of War.²

A motion was made by the delegates of Georgia:

Ordered, That it be referred to the Board of War to take order.

On the application of the hon. S[amuel] Huntington, one of the delegates for the State of Connecticut:

Ordered, That a warrant issue in his favor on the treasurer, for one hundred and thirty-three dollars, and one-third of a dollar, specie, to be charged to the said State, in part payment for the schooner *Spy*, furnished by the said State for the use of the United States, and lost in their service.³

A report from the Board of War was read:

AT A BOARD OF WAR July 12th 1781.

Present M^r Peters

Col. Grayson

General Cornell

Agreed to report to Congress.

That the Board of war be authorised and directed to draw a warrant on the Paymaster General in favor of Colonel David Hall of the

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 487.

² This letter, dated June 13, 1781, is in the *Papers of the Continental Congress*, No. 78, VII, folio 395.

³ This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 20, I, folio 273.

Delaware Regiment for twelve hundred ~~and forty~~ dollars in bills of the new emissions on account of his pay, for which sum he is to be accountable.¹

Ordered, That it be re-committed, that the Board may report specially.

The committee, ||consisting of Mr. Varnum, Mr. Madison, Mr. Partridge,|| to whom was referred the memorial from Mr. Marbois, chargé des affaires of France, delivered in a report; Whereupon, it was resolved as follows:

Whereas it has been represented to the United States in Congress assembled, that there are many French seamen, subjects of his Most Christian Majesty, in the United States, employed on board armed and other vessels in the service of the said states, or the citizens thereof; and, whereas ~~the Comte de Barras commanding his said Majesty's squadron in the seas of the said United States hath represented~~ it has also been represented, that the said seamen are necessary for completely manning the squadron under the Count de Barras: ~~It is therefore ordered that~~ All officers, therefore, commanding armed or other vessels under commissions from the United States in Congress assembled, are hereby ordered and directed immediately to deliver to the said Count de Barras, or to any person or persons by him appointed to receive the same, all French seamen, subjects of his said Majesty, who are or may be entered on board their vessels respectively; and if any officer, commissioned as aforesaid, shall neglect or refuse complying with this order, he shall forfeit his commission, and be subject to such other punishment as to right shall appertain; and it is earnestly recommended to the legislatures and executives of the several states, to give effectual aid and support for the executing this order, and also for delivering to the Count de Barras, all

¹ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 31. The indorsement says that on July 13 it was taken up and passed in the negative.

French seamen as aforesaid, that may be otherwise employed within their respective jurisdictions.¹

Congress proceeded to the election of a commissary general of military stores; and, the ballots being taken, Samuel Hodgdon was elected, having been previously nominated by Mr. [Richard] Howly.

A motion was made by Mr. [James] Madison, seconded by Mr. [John] Mathews, That the commission and instructions for negotiating a treaty of commerce between these United States and Great Britain, given to the honourable John Adams on the 29 day of September, 1779, be and they are hereby revoked.²

Resolved, That the Commission and instructions for negotiating a Treaty of Commerce between the U. States and G. Britain given to J. Adams Esq^r on the day of be and they are hereby revoked.

That the Ministers Plenipotentiary for negotiating a Treaty of Peace, be and they are hereby instructed to admit into such Treaty no stipulations on the part of the U. States in favor of the Commerce of G. Britain unless ~~such stipulations~~ the same shall be absolutely necessary to obtain the proposed peace; and that in case of such necessity, they use their most strenuous endeavours to obtain in consideration thereof an explicit stipulation on the part of G. B. to the U. S. of the right of the latter to fish on the Banks of Newfoundland &c. as stated in the instructions of Congress of the day of relative to a Treaty of Commerce, of their Claim of Territory as stated in the Ultimatum of Congress on that subject in their instructions of the day of , relative to a Treaty of Peace; and also ~~to obtain~~ a relinquishment of any ~~claims~~ demands which may be made by G. Britain of the readmission of the persons or restitution of the property of those who have abandoned or been banished from any one of the United States.³

¹ This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 25, I, folio 453.

² This motion and the vote following were entered only in the manuscript Secret Journal, Foreign Affairs, and in the More Secret Journal.

³ This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, IV, folio 367. It is undated, and is indorsed by Samuel Huntington as having been seconded by Mr. Sharpe. Another draft of the instruction, also in Madison's writing, is on folio 357.

On the question to agree to this, the yeas and nays being required by Mr. [George] Partridge—

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Livermore,	no	*	Mr. Jones,	ay	} ay
<i>Massachusetts,</i>			Madison,	ay	
Mr. Partridge,	no	} no	Bland,	ay	
Osgood,	no		<i>North Carolina,</i>		
<i>Rhode Island,</i>			Mr. Sharpe,	ay	} ay
Mr. Varnum,	ay	*	Johnston,	ay	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Ellsworth,	no	} no	Mr. Mathews,	ay	} ay
Sherman,	no		Bee,	ay	
<i>Pennsylvania,</i>			Motte,	ay	
Mr. Montgomery,	ay	} ay	Eveleigh,	ay	
Clymer,	ay		<i>Georgia,</i>		
T. Smith,	ay		Mr. Walton,	ay	} ay
<i>Delaware,</i>			Few,	ay	
Mr. Rodney,	ay	} ay	Howly,	ay	
McKean,	ay				
<i>Maryland,</i>					
Mr. Jenifer,	no	} ay			
Carroll,	ay				
Potts,	ay				

So it was resolved in the affirmative.
Adjourned to 10 o'Clock to Morrow.

FRIDAY, JULY 13, 1781

A letter, of 5, from the governor of the State of New York was read:¹

Ordered, That it be referred to the committee on his letter of the 1st.

A memorial of Richard Mercer was read:²

¹ This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 412.

² This memorial is in the *Papers of the Continental Congress*, No. 41, VI, folio 243.

Ordered, That the same, so far as it respects his arrears of pay, be referred to the Board of War to take order.

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [Roger] Sherman:

Ordered, That the Board of War prepare estimates for three months' pay to the army and lay the same before Congress, that warrants may issue in favour of the paymaster accordingly.

On motion of Mr. [John] Mathews, seconded by Mr. [Isaac] Motte,

Resolved, That the Board of War direct rations to be furnished to the prisoners lately exchanged, and their families, who have already arrived, or may hereafter arrive in this city from Charlestown, Savannah, or St. Augustine, until the further orders of Congress:

That the Board of War order a return to be made of the number of such persons as shall so draw rations, except the continental officers and their families, that a proper account may be kept of the same.

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [John] Mathews, on the same subject:

Whereas great numbers of the well affected Inhabitants of the States of South Carolina and Georgia after having experienced every species of barbarity from the British in whose power they have been since the reduction of part of those States by the Enemy are at length released from captivity by exchange and arrived in Philadelphia, stript of every comfort and destitute of the means of subsistence; Congress have thought proper to

Resolve, That it be recommended to the States of Maryland, Delaware, Pennsylvania, N Jersey, N York, Connecticut, Massachusetts, Rhode Island and New Hampshire to set on foot subscriptions and contributions from all charitably disposed persons to afford such relief to them as their distressed situation requires, and to transmit from time to time the monies so collected to the Superintendent of

Finance to be administered by him for their relief under the direction of Congress.¹

Ordered, That it be referred to a committee of five:

The members, Mr. [Theodorick] Bland, Mr. [George] Clymer, Mr. [Samuel] Osgood, Mr. [John] Mathews, and Mr. [Daniel of St. Thomas] Jenifer:

Ordered, The committee confer with the president and supreme executive council of the State of Pennsylvania.

The Board of War, to whom the petition of Lieutenant Colonel S. Bush was referred, report;

That provision is made for the memorialist by the acts of Congress of 26 August, 1776, and the 25 of September, 1778, until such time as his service may be wanted in the corps of invalids which appears at this time unnecessary and altogether inadmissible:²

Resolved, That Congress agree to the said report.

The committee to whom was re-committed the report on the letter, of 25 November, 1780, from General Sullivan, delivered in a report.³

Adjourned to 10 o'Clock on Monday.

¹ This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, I, folio 205.

² This report is in the *Papers of the Continental Congress*, No. 148, II, folio 35.

³ The following report, in the writing of John Mathews, was delivered and read on this day. It is in the *Papers of the Continental Congress*, No. 28, folio 47.

The Committee to whom was referred the motion of Colonel Bland Report,

That it be recommended to the States of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware and Maryland to set on foot a subscription in their respective States, for the relief of the prisoners lately exchanged and arrived in this City from Charles Town, Savanna and St Augustine, the money to be paid into the hands of the loan officers of the respective States, to be by them transmitted to the Board of war, and by them distributed in proper proportions among such persons and their families who shall apply for the same.

A letter, of this day, from the Board of War, enclosing copies of the Board's letters to General Washington and Governor Livingston, and their answers was read, as the endorsement states. It is in the *Papers of the Continental Congress*, No. 148, I, folio 409.

MONDAY, JULY 16, 1781

A letter, of 18 June, from the governor of Massachusetts, was read:

Ordered, That it be referred to the committee on the letter from the general assembly of that State.

An act passed by the general assembly of the Commonwealth of Virginia, empowering the United States in Congress assembled, to levy a duty of five per cent. on imports and prizes, was read.¹

Ordered, That it be referred to the committee appointed to prepare an ordinance for collecting the said duty.

Mr. Edmund Randolph, a delegate for the State of Virginia, attended and produced the credentials of his appointment, which were read, as follows:

VIRGINIA TO WIT

IN GENERAL ASSEMBLY, the 14th of June 1781.

Resolved that Edmund Randolph Esq^r, be appointed a Delegate to represent this Commonwealth in Congress until the first Monday in November next, in the room of Benjamin Harrison Esquire who hath resigned.

ARCHIBALD CARY S. S.
BENJ HARRISON Sp H D

Attest.

JOHN BECKLEY C. h. d.²

A letter, of 13 June, from Sam^l Parsons at Martineque was read:

Ordered, That it be referred to a committee of three:

The members, Mr. [George] Clymer, Mr. [Samuel] Osgood, Mr. [John] Sullivan.

Another letter, of 13 June, from the same.

A letter from the Hon^{ble} John Jay, dated Madrid, April, 1781, was read, accompanied with a duplicate of Doctor

¹ This act is in the *Papers of the Continental Congress*, No. 75, folio 359.

² The original is in the *Papers of the Continental Congress*, Virginia, *Credentials of Delegates*.

Franklin's letter, of 12 March, 1781, together with copies of sundry intercepted letters:¹

Ordered, That extracts of the intercepted letters, so far as they relate to military plans, be transmitted to the Commander in Chief and commanding officer in the southern department; and

That the said letters be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Thomas] Bee, Mr. [Joseph] Jones:

That the letter from Mr. Jay be referred to the Committee of Foreign Affairs.

A letter, of 9 April, from the hon^{ble} John Laurens was read.²

A memorial of Captain Joseph Elliot, of the first South Carolina regiment, was read:³

Ordered, That it be referred to the Board of War; and that the Board of War take order for affording such relief to the officers of the United States, lately returned and returning from captivity in Charleston, as their circumstances may require, and the finances will admit.

A letter, of this day, from F. I. S. de Brahme, major of engineers, was read:⁴

Ordered, That it be referred to the Board of War to take order.

¹ Jay's letter, dated April 25, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 384; Franklin's, of March 12, is on page 281.

² This letter, partly in cipher, is in the *Papers of the Continental Congress*, No. 165, I, folio 99, and inclosed extracts from intercepted letters. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 355. The following motion, undated, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 36, IV, folio 341: That copies of the intercepted letters forwarded to Congress by Colonel Laurens so far as they relate to the track of country commonly called Vermont be immediately transmitted to the Governors of New York and New Hampshire. This was "moved and seconded to postpone" as a note shows.

³ This memorial is in the *Papers of the Continental Congress*, No. 41, III, folio 67.

⁴ This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 237.

A remonstrance of Dan^l Roberdeau was read.

A letter, of this day, from Brigadier General McIntosh, was read:¹

Whereupon, it was moved by Mr. [James Mitchell] Varnum, seconded by [Mr. Roger] Sherman, that the resolution of Congress of the 15 day of February, 1780, respecting Brigadier General McIntosh, be, and the same is hereby repealed.

To which it was moved by Mr. [George] Walton, seconded by Mr. [Richard] Howly, to add, by way of amendment, "except so far as restrains him from taking command in the State of Georgia."

On the question to agree to the amendment, the yeas and nays being required by Mr. [George] Walton,

<i>New Hampshire,</i>		<i>Maryland,</i>	
Mr. Sullivan,	no	Mr. Jenifer,	no
Livermore,	no	Carroll,	no
	} no	Potts,	no
<i>Massachusetts,</i>		<i>Virginia,</i>	
Mr. Partridge,	no	Mr. Jones,	no
Osgood,	no	Madison,	no
	} no	Bland,	no
		M. Smith,	no
<i>Rhode Island,</i>		Randolph,	no
Mr. Varnum,	no		
	} *	<i>South Carolina,</i>	
		Mr. Mathews,	no
<i>Connecticut,</i>		Bee,	no
Mr. Ellsworth,	no	Motte,	no
Sherman,	no	Eveleigh,	no
	} no		
<i>Pennsylvania,</i>		<i>Georgia,</i>	
Mr. Montgomery,	no	Mr. Walton,	ay
Clymer,	no	Howly,	ay
T. Smith,	no		
	} no		
<i>Delaware,</i>			
Mr. McKean,	no		
	} *		

So it passed in the negative.

¹ Roberdeau's remonstrance, dated July 9, 1781, is in the *papers of the Continental Congress*, No. 41, VIII, folio 310; McIntosh's letter is in No. 162, folio 301.

On the question to agree to the main question; resolved in the affirmative.

A letter, of 16, from Godfried Swartz, was read:¹

Ordered, That it be referred to the Board of War.

A memorial of George Melven was read:

Ordered, That it be referred to a committee of three:

The members, Mr. [John] Mathews, Mr. [George] Walton, Mr. [Daniel] Carroll.

A memorial of Arch^d McClean, in behalf of Mary Meem, was read:²

Ordered, That it be referred to the Board of Treasury.

A report from the Board of War was read; Whereupon,

WAR OFFICE July 13th, 1781

SIR,

Major Parr who is appointed to command the Riflemen to be raised to cooperate with the Main Army against New York, has represented to the Board, that neither himself or officers can possibly proceed upon the recruiting business, unless they are assisted with an advance of money for their unavoidable expences, in the execution of that duty.

The board therefore beg leave to report,

Ordered, That the Board of War be authorised to draw a warrant on the paymaster general in favour of Major James Parr, for twelve hundred dollars specie on account of pay for the officers of his corps, any resolution to the contrary notwithstanding, for which sum the said Major Parr is to be accountable.³

Another report from the Board of War was read; Whereupon,

¹ This letter is in the *Papers of the Continental Congress*, No. 78, XXI, folio 87.

² Melven's memorial, dated July 16, 1781, is in the *Papers of the Continental Congress*, No. 41, VI, folio 247; McClean's is on folio 255.

³ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 43. It gives the amount as 5,900 dollars new emission.

AT A BOARD OF WAR July 16, 1781

Present—Col. Grayson

General Cornell

The Board from the frequent applications of the officers of the Army on parole for liberty to draw their rations and the total prohibition contained in the Act of Congress of the 19th of May 1778 on that subject, find themselves under the necessity of reporting the following resolution for the consideration of Congress:

Resolved, That the Board of War, Commander in Chief, and commanding officer of a separate army, be, and they are hereby empowered to order rations to be delivered to such officers on parole as they shall think proper, the resolution of the 19 of May, 1778, notwithstanding.¹

Another report from the Board of War was read:

Ordered, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Joseph] Jones, Mr. [John] Sullivan.

The delegates of Massachusetts laid before the United States in Congress assembled a resolution passed by the legislature of that State in General Assembly, March 8th, 1781.²

A letter, of 30th April, from R. Harrison at Cadiz was read, enclosing bills of lading for sundry merchandize by the ship *Thomas Edw^d Tyler*:

Ordered, That it be referred to the Committee of Commerce.

The committee of the week:

Mr. [Edmund] Randolph, Mr. [Oliver] Ellsworth, Mr. [Nicholas] Eveleigh.

Adjourned to 10 o'Clock to Morrow.

¹ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 39.

² A copy of this resolution is in the *Papers of the Continental Congress*, No. 40, II, folio 45.

TUESDAY, JULY 17, 1781

A letter, of 9th June, from Major General Greene, was read, with sundry papers enclosed, relative to the surrender of fort Cornwallis and Augusta in Georgia:

Ordered, That the same be referred to the Committee of Intelligence.

Another letter, of 9 June, from General Greene, was read:¹

Ordered, That it be referred to a committee of three:

The members, Mr. [Oliver] Ellsworth, Mr. [John] Mathews, Mr. [James] Madison.

The committee to whom was referred the report of the Board of Admiralty delivered in a report, which was taken into consideration; and thereupon,

The Committee to whom were referred the Reports from the Board of Admiralty of the 18 of June and 6th of July, beg leave to submit to the Hon'ble Congress the following Resolutions:

Resolved, that all commissions heretofore granted by the Ministers of these United States at Foreign Courts or any of them having been granted for temporary purposes, are to be considered as temporary Brevets, and not giving rank in the Navy or Marine of these States, and that therefore all such commissions be and are hereby revoked.

Resolved, that William Nicholson be appointed a Lieutenant of Marines in the service of the United States.

Resolved, that Richard Dale, Muscow Levingston and Alexander Murray be appointed Lieutenants in the Navy in the Service of the United States, and that Commissions be issued accordingly.

Resolved, that none of the officers above named be entitled to pay or subsistence from their respective Commissions until they shall be called into actual service.²

Resolved, That William Nicholson be appointed a lieutenant of marines in the service of the United States:

¹ One letter of 9th is in the *Papers of the Continental Congress*, No. 155, II, folio 113; the other is on folio 123.

² This report, in the writing of Daniel of St. Thomas Jenifer, is in the *Papers of the Continental Congress*, No. 28, folio 141.

Ordered, That the remainder be re-committed.

The committee to whom was referred the letter, of 12, from F. Lewis, a commissioner of the Board of Admiralty, delivered in a report; Whereupon,

Resolved, That the resignation of the said Francis Lewis be and it is hereby accepted;

~~Or That the minister of finance be authorised and directed to liquidate the said Francis Lewis' accounts and to take order therein.¹~~

A report from the Board of War was read; Whereupon,

Resolved, That the Board of War be authorised to draw on the paymaster general in favour of Captain Patrick Carns of Lieutenant Colonel Lee's legion, for two hundred and ten dollars in bills of the new emission;² and of Doctor Morris, surgeon of Colonel Armand's legion, for two hundred and twenty-five dollars in bills aforesaid in part of their pay, and for which sums they are respectively to be accountable.³

A letter, of 10, from General Washington;⁴

One, of the same date, from Colonel Pickering, on Colonel Miles' estimate of forage to be laid up at Philadelphia; and

One, of 16, from Sam^l Hodgdon, signifying his acceptance of the office of commissary general of military stores, were read.⁵

WAR OFFICE *July 17. 1781.*

SIR,

The Board have considered the account of Benjamin Darrell for the hire of his vessel for transporting a number of persons who were prisoners in the power of the enemy from Charlestown to Philadelphia

¹ This report, in the writing of Daniel of St. Thomas Jenifer, is in the *Papers of the Continental Congress*, No. 19, III, folio 547.

² This clause is in the *Papers of the Continental Congress*, No. 148, II, folio 49.

³ This clause is in the *Papers of the Continental Congress*, No. 148, II, folio 55.

⁴ This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 163.

⁵ Pickering's letter is in the *Papers of the Continental Congress*, No. 192, folio 71; Hodgdon's is in No. 78, XII, folio 163.

A letter of 16th from the Board of War was read; it is in the *Papers of the Continental Congress*, No. 136, V, folio 421.

and are of opinion that both policy and humanity requires that every assistance should be afforded these unhappy sufferers which the distressed state of the public finances will admit of. Should Congress be of opinion that a sum of money can be spared for this purpose, they will be pleased to resolve,

That be directed to devise ways and means for the payment of one hundred and thirty-seven pounds sterling to Benjamin Darrell for the hire of his vessel in transporting a number of persons who were prisoners in the power of the enemy from Charlestown to Philadelphia.¹

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JULY 18, 1781

The committee of the week made report; Whereupon,

The Committee of the week report, that they recommend that the memorial of Nicholson Broughton stating his military services and sufferings in the cause of America and praying for a release of a debt of 12 guineas due from him to the United States, and incurred in his return from captivity, he having been captured while in a private armed vessel. with the papers accompanying the same, be referred to the Board of War.

That the petition of Abijah Hammond, Lieutenant of the third regiment of Artillery, praying for leave to go on a voyage to sea for the recovery of his health with the papers accompanying the same be referred to the Board of War.

That the letter of Charles Pettit concerning the completion of the plan begun in May last for the settlement of the accounts of the staff departments, and the recommendation of John Story as a person proper to be employed in such settlement be referred to the ~~Board of Treasury~~ [committee appointed for the settlement of the Quarter Masters and Commissary's accounts.]

That the petition of John Story so far as it respects his arrearages and depreciation of pay be referred to the Board of War and so far as it respects his continuing to settle the old accounts with the army be referred to the ~~Board of Treasury~~ [committee].

¹ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 53. It was rejected August 23, as the indorsement shows.

That the petition of M^{rs} Hannah Thomas, relict of Brigadier General Thomas, stating her inability to provide for the education of her children and praying relief, be referred to the Board of War.

That the petition of Paul Jones praying that his accounts against the United States may be adjusted by Congress together with the said accounts be referred to a special Committee.

That the Memorial of James Elliott praying to be allowed his pay and depreciation as an officer, in the army, be referred to the Board of War.

That the memorial of Duncan Campbell late lieutenant of Col^l Livingston's Regiment praying to be allowed his pay and depreciation, be referred to the Board of War.

That the letter of General Schuyler stating his engagements to the builders of the batteaux to be employed in the present campaign be referred to the superintendant of finance.

That the letter of Lieutenant De Marcellir requesting a furlough until the next spring and the payment of part of what is due to him by a bill on France, be referred to the Board of War.¹

Ordered, That a memorial of Captain J. P. Jones with the papers accompanying it be referred to a committee of three:

The members, Mr. [Samuel] Osgood, Mr. [Richard] Potts, Mr. [Samuel] Livermore;

That a letter of 1 from General P. Schuyler be referred to the superintendant of finance;

That a letter from Lieutenant de Marcelles;

The memorial of James Elliot;

A petition of Lieutenant Duncan Campbell;

A petition of Hannah Thomas, relict of the late Major General Thomas;

¹ This report, in the writing of Edmund Randolph, except the portions in brackets, which are in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 32, folio 191.

Broughton's memorial is in the *Papers of the Continental Congress*, No. 41, I, folio 349; Hammond's petition is in the *Washington Papers*, 97, folio 123; Pettit's letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 419; Story's memorial, dated July 16, 1781, is in No. 41, IX, folio 163; Hannah Thomas's petition, dated May 25, 1781, is in No. 42, VII, folio 422; Jones's memorial, dated July 17, 1781, is in No. 41, IV, folio 418; Campbell's memorial, dated July 17, 1781, is in No. 42, II, folio 110; de Marcellir's letter is in No. 78, XVI, folio 215.

A memorial of Nicholson Broughton; and

A letter, of 29 June, from A. Hammond, be referred to the Board of War;

That a letter, of 16, from Cha Pettit; and

A memorial of John Storey, be referred to the committee appointed to devise a plan for settling the accounts of quartermaster and commissary general.

A report from the Board of War, of the 17th, on the letter of Major de Brahme, was read:

AT A BOARD OF WAR *July 17. 1781.*

Present, Mr Peters

Colonel Grayson

General Cornell

The Board having received from Congress the letter from Major de Brahm requesting four hundred hard dollars and two horses to enable him to join the army, and the Board being directed by Congress to take order thereon, we beg leave to inform Congress, that there being no money within the power of the Board, it is impracticable to take order otherwise than by drawing a warrant on the Paymaster General for three months' pay, and reporting an estimate of the value of two horses, which must be purchased if Congress mean they should be furnished as has heretofore been done for the other engineers from a custom not warranted by any resolution of Congress, though probably founded on motives of policy, the Corps of Engineers being chiefly foreigners.

After the resolution of Congress, that all monies due from the United States shall be paid according to the real value, we made a practice of including a sum in paper supposed to be equal to the sum in specie, and gave it on Account without designating for how many months' pay it was paid and presumed that such payments would be subject to some future settlement; but from some late proceedings, we are led to believe that it is the sense of Congress, that no more than the nominal sum in paper, should be paid under present circumstances. We are therefore so much embarrassed what measures to take in this predicament, that we pray the favor of Congress to give some explicit directions respecting this matter for our government.¹

¹ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 67.

Ordered, That it be referred to the committee on the report from the Board of War of the 16.

Another report from the Board of War was read; Whereupon,

WAR OFFICE *July 18th 1781*

SIR,

The Board beg leave to lay before Congress, a letter of the 9th Instant from Mr Guillam Aertsen praying that a compensation may be allowed him, for transacting the Paymaster's business of this Board since the 17th February last, at which time Mr Carleton was elected to the office of Secretary. In justice to the services and merit of this gentleman the Board cannot forbear mentioning their entire approbation of his conduct, which has been invariably manifested in his vigilance and steady attachment to the duties of the office. Should Congress be of opinion that his services in that department entitle him to a compensation, they will be pleased to resolve,

That Mr Guillam Aertsen an assistant in the Ordnance Office be allowed the sum of Dollars specie in addition to his pay as Clerk for transacting the business of Paymaster to the Board of War and Ordnance, from the 17th February last to the 9th Instant inclusive.

The Board further beg leave to report,

That the office of Paymaster to the Board of War and Ordnance be abolished, the exigencies of affairs not rendering a continuation of that Department any longer necessary, and that the said Paymaster do forthwith prepare his accounts for liquidation.¹

Resolved, That the office of paymaster to the Board of War and Ordnance be abolished; and that the said paymaster do forthwith prepare his accounts for liquidation:

Ordered, That the remainder of the report, so far as relates to a compensation to Guillem Aertson for transacting the business of paymaster to the Board of War and Ordnance from 17 February last to the 9th instant be re-committed.

The report of the committee on the motion of Mr. [Theodorick] Bland was read:

¹ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 59.

Ordered, That it be re-committed and that Mr. [Thomas] Bee be added to the committee.

A report from the chamber of accounts, on the accounts of General Sullivan, was laid before Congress:

Ordered, That it be referred to the Board of Treasury; and that the Board receive such evidence in support of the claims of Mr. Sullivan as shall be satisfactory, and the best which circumstances will admit.

On motion of Mr. [John] Mathews, seconded by Mr. [George] Walton,

Resolved, That the Board of War be directed to pay the passages of the several continental officers already arrived, and that may hereafter arrive in this city from Charlestown and St. Augustine.

The consideration of the ordinance for establishing a court of appeals in cases of capture, was resumed; and, after debate,

An Ordinance, establishing a Court for receiving and determining finally all Appeals in cases of Captures.

Whereas, the United States in Congress Assembled have the sole and exclusive right and power of establishing Courts for receiving and determining finally appeals in all cases of captures; And whereas it is of great importance, that such courts be invested with powers sufficient to enable them to answer the purposes of their establishment;

Be it therefore ordained by the United States in Congress assembled, that a Court be and hereby is established for receiving and determining finally all appeals in cases of capture from the several courts ~~of admiralty~~, having jurisdiction in such cases within the United States respectively.

~~And be it farther ordained, that the said Court shall hold their commission during their good behaviour, to be appointed and commissioned by the United States in Congress assembled, and to consist of three judges.~~

(That the said court shall consist of three Judges to be appointed and Commissioned by the United States in Congress Assembled.)

~~And be it farther ordained,~~ That the said Judges or any two of them, shall have full power to hold the said court, and therein
Passed to hear and determine all causes, matters and things cognizable in the said court.

~~And be it farther ordained,~~ That [each of the said] Judges shall
Passed before he enters on the duties of his office, take the following oath [or affirmation viz.], I, A. B. do swear [or affirm,] that I will well and faithfully and according to the best of my judgement and ability, execute the Office of a Judge of the Court of Appeals instituted by the United States in Congress Assembled [for receiving and determining all Appeals in cases of capture;] which oath shall be administered by [any one of the Judges of the Supreme or superior courts in the several states, a certificate of which to be lodged with the Secretary of Congress.]

~~And be it farther ordained,~~ That the proceedings and decisions of
Passed the said Court, shall be had and made according to the Ordinances and regulations of Congress, the law and usage of nations, and the general practice of the maritime courts of Europe.

And be it farther ordained, that the said court shall appoint its own Register or Registers, and Marshal or Marshals, during the pleasure of the said court, and that the said Register or Registers, and Marshal or Marshals, shall before he or they enter on the duties of his or their office take such oath of office, and give such security for the performance of his or their duty, as the said court shall order and direct.

And be it farther ordained, that the said court shall have and it hereby has full power and authority to admit and appoint Advocates, Proctors, and Appraisers, and all other officers and assistants, incident to such courts.

And be it farther ordained, that the said court shall have and it hereby has power and authority to fine, or to fine and imprison for contempts, as also all other powers and authorities by law or usage incident to such courts.

And be it farther ordained, that in every case of capture, an Appeal to the said court shall, if demanded, be allowed by the several Courts of Admiralty in the United States, provided the Appeal be made within days after sentence, and good security be likewise given by the Appellant or Appellants that he or they will effectually prosecute such appeal, and answer, fulfil and perform, whatever shall

be awarded, ordered or decreed in the said case by the Court hereby established.

Provided always, That in case the party or parties appellate, shall give sufficient security before, and to be approved of by one or more of the Judges of the court hereby established, to restore the ship, vessel, goods or effects, concerning which sentence has been pronounced or the full value thereof to the Appellant or Appellants, if the sentence appealed from shall be reversed, the execution of the sentence appealed from, shall not from the time of giving such security as aforesaid, be suspended by reason of such Appeal.

And be it farther ordained, That in case any person, who was not a party in the first instance of the cause, shall interpose an Appeal from a sentence given in any Court of Admiralty within the United States, such person, or his or her agent, shall at the same time enter his or her claim, otherwise such appeal shall be null and void.

And be it farther ordained that where, from, the distance of place, or any other cause not rising from the neglect of the party or parties appellant, it shall appear to the Court of Appeals by this ordinance established, that it would be unreasonable to confine the making of the appeal within the time herein before limited, the said court shall have, and it hereby has power to receive such appeal at such subsequent time (not exceeding months) as to the said court shall appear reasonable and proper.

And be it farther ordained, that the said court shall have and it hereby has full power and authority to proceed, determine upon, and carry into execution, and effect any stipulations entered into before it or one or more of the Judges thereof, and stipulations entered into before any of the Judges or Courts of Admiralty within the United States, for effectually prosecuting appeals, and answering, fulfilling and performing the awards, orders and decrees, of the Court of Appeal hereby established.

And be it farther ordained, That the times and places, when and where the said court shall hold its sessions, shall from time to time be declared by resolutions of the United States in Congress Assembled, or in case no such resolutions shall be made, shall be appointed by the Judges of the said court.

And be it farther ordained, that the said court shall have and it hereby has power to tax reasonable costs in causes depending before or determined by it, until otherwise regulated by the United States in Congress Assembled.

And be it farther ordained, that all Judges, Registers, Marshals and other officers of the several courts of Admiralty within the United States, shall be subject to the rules, orders, and decrees made by the Court of Appeals hereby established, in causes depending before, or finally determined by the said court.

And be it farther ordained, that the annual salary of each of the Judges of the said Court shall be Spanish milled dollars,
to be paid out of the treasury of the United States in equal quarterly payments.¹

Ordered, That it be re-committed:

That Mr. [Edmund] Randolph be added to the committee.

Resolved, That it be an instruction to the said committee, to prepare and bring in an ordinance for regulating the proceedings of the admiralty courts of the several states in cases of capture, to revise and collect into one body the resolutions of Congress and other convenient rules of decision, and to call upon the several legislatures, to aid by necessary provisions the powers reserved to Congress by the Articles of Confederation on the subject of captures from the enemy.²

The committee, ||consisting of Mr. McKean, Mr. Ellsworth, Mr. Bland,|| to whom was referred the motion relative to the navy of the United States of America, delivered in a report; Whereupon,

The Committee to whom was referred the motion respecting the Navy of the United States of America having considered the same agree to the following Report, viz.

That for the present an Agent of Marine be appointed by Congress who shall direct, fit out, equip *and employ* the several vessels of war belonging to these States and also take order respecting the payment of the officers and crews of the same, and moreover take charge and dispose of all the captures

Agreed August
27 [29], 1781

¹ This report, in the writing of a clerk, except the portion in parentheses which is in James Mitchell Varnum's writing and the portions in brackets which are in Samuel Huntington's writing, is in the *Papers of the Continental Congress*, No. 29, folio 394. It is in the list of postponed reports in No. 31, folio 371.

² This resolution, undated, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 29, folio 398.

and prizes that have been or shall hereafter be made by the said vessels of war or any or either of them.¹

Resolved, That the care of the Marine prisoners heretofore entrusted to the Board of Admiralty be transferred to the commissary of prisoners under the superintendence of the Board of War.

That the seal of the Admiralty be deposited with the Secretary of Congress, and that he seal and countersign the like commissions as have heretofore been issued by the Board of Admiralty by order of Congress, until a Secretary of Marine shall be appointed.

That all the appointments of the officers of the Admiralty, the several Navy Boards, the Continental Agents in the Marine Department, and all persons in authority, or acting under them, be from and after the day of next removed (excepting such of them as the said Agent of Marine shall think necessary to be continued, and shall through his recommendation be continued by Congress) and that from and after the said day of next, all other duties of the Board of Admiralty, and the authorities, powers, privileges and emoluments to the several officers and persons above described or to any or either of them given by any former act or acts of Congress do cease and determine.

That the Superintendant of Finance be and he is hereby directed to cause the accounts of all and singular the persons aforesaid to be settled and adjusted on equitable principles as soon as possible; that he appoint one or more auditors for that purpose if he thinks it necessary; that he cause suits to be commenced against any person or persons who shall refuse or neglect to settle his or their said accounts or to pay or deliver over any monies or stores in his or their possession belonging to these United States; and that on the adjustments, liquidations, payments and deliveries as aforesaid he give proper acquittances and discharges.

~~That the Agent of Marine be authorized and directed to fit out with all possible dispatch such and so many of the Vessels of War belonging to the United States as shall be required of him by the Superintendant of Finance, and that as soon as they or any of them~~

¹ This paragraph, in a modified form, was agreed to August 29.

~~shall be so fitted and equipt for sea that their readiness be reported without loss of time to the said Superintendant, who is hereby authorized to give sailing orders and instructions to the Commander or Commanders thereof, to perform such voyage or cruise as he shall direct for the benefit of the service of the United States, he being responsible to the United States in Congress assembled for this extra official duty in the same manner as he is for the due performance of the functions of his office, and that the said agent from time to time obey and execute such orders as he may receive from the said Superintendant of Finance, by special order of Congress for that purpose, with regard to fitting out, manning and equipping the said Vessels of War, and that the Commanders thereof obey such official instructions, with regard to sailing, cruising, returning, &c., as they may in like manner receive from the said Superintendant of Finance, untill a Minister of Marine shall be appointed by Congress, or untill this order shall be revoked by the United States in Congress Assembled.~~

That if at any time in the course of the present year requisitions shall be made to the Agent of Marine by the Superintendant of Finance for any voyages or services to be performed by any of the said Ships of War for the purpose of aiding him in such measures as he may adopt in the execution of his office, the Agent of Marine shall comply with such requisitions, keeping an account of the voyages or services so performed to be laid before Congress when required.¹

¹ This report, in the writing of Thomas McKean, except the portion struck out which is in Theodorick Bland's writing and the final paragraph which is in that of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 28, folio 147. On folio 151 appears the following, in the writing of Theodorick Bland:

That a salary of dollars *pf* annum be allowed for the Agent of Marine and that he receive no other fee or emolument whatever for his services in that office.

That the said agent be allowed to appoint a temporary subagent in any port of the United States to take charge of such Captures, prizes, goods, vessels or other things belonging in the whole or in part to the United States as shall come to or be consigned to his care, for whose conduct he shall be responsible, and may make the subagent so appointed such allowance for his trouble as he the said agent shall think reasonable not exceeding per cent on the net sales to be paid on a fair adjustment and payment of the net proceeds into the Treasury of the United States or to the order of Congress, or of the Superintendant of Finance to whom a certified copy of all such accounts is to be returned and lodged in his office within fourteen days after the sales are completed.

That the said Agent of Marine shall be allowed one Clerk whose salary shall be dollars per annum to assist him in keeping the accounts, books, &c. appertaining to the Department.

Ordered, That the farther consideration of the report be postponed.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JULY 19, 1781

A letter, of 20 June, from Major General Greene; and

A letter, of 8th July, from Major General Marquis de la Fayette, with sundry papers enclosed, were read:

Ordered, That they be referred to the Committee of Intelligence, and afterwards to the committee on the letter, of 9th, from General Greene.

Another letter, of 9th, from the Marquis de la Fayette was read:¹

Ordered, That it be referred to the Board of War to take order.

The committee to whom was referred the memorial of Captain George Melven delivered in a report; Whereupon,

The Committee to whom was referred the Memorial of Captain George Melvin

Report,

That they having enquired into the complaint set forth in the said Memorial, it appears that Mr Wereat the Agent for the United States, who was supposed by the Memorialist to have received the Money for the sales of the prizes, mentioned by him, never did receive any part of the said Money.

FOOTNOTE—Continued.

And on folio 157 the following in the writing of Roger Sherman:

Resolved, That an Agent of Marine be appointed with authority to exercise all the powers that were vested in the Board of Admiralty by the ordinance of the 28th of October 1779

That he be allowed a salary of dollars specie per annum.

That an agent be appointed to reside at Boston to superintend the affairs of the Navy in the Eastern Department subject to the orders of the Agent of Marine and that he be allowed a Salary of dollars specie per annum.

Resolved, That the Board of Admiralty the several Navy Boards and all officers and agents acting under them or either of them be discontinued.

¹ Greene's letter is in the *Papers of the Continental Congress*, No. 155, II, folio 175; Lafayette's of the 8th is in No. 156, folio 171; his letter of the 9th is on folio 174.

It further appears that the whole Matter referred to in the said Memorial is now depending before the Court of Appeals.

Therefore recommend the following resolution:

Ordered, That the said memorial be dismissed.¹

A report from the Board of Treasury was read:

Ordered, That the said report, together with the claim of Colonel Du Buysson and the letter from the treasurer of loans, be referred to the superintendant of finance.

A letter, of this day, from Thomas Hutchins, was read.²

AT A BOARD OF WAR *July 19. 1781.*

Present—Mr Peters

Col. Grayson

Gen^l. Cornell

The Board have considered the memorial of Mr^s Hannah Thomas referred to them by Congress, and report that in the opinion of the Board the resolutions of Congress of the 15th of May 1778 and the 24th of August 1780 make provision for the Memorialist agreeable to her request, of which the Board will give the necessary information.³

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JULY 20, 1781

Mr. [Daniel] Mowry, a delegate for the State of Rhode Island and Providence Plantations, attended, and produced the credentials of the delegates for that State, which are in the words following:

State of Rhode Island and Providence Plantations

I certify that at the annual Election of Officers for the State aforesaid held at Newport on the First Wednesday in May last The Hon^{ble} William Ellery, Ezekiel Cornell, Daniel Mowry and James Mitchel Varnum Esquires were chosen Delegates to represent the said State in the Congress of the United States of America for One Year.

¹ This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, IV, folio 53.

² This letter is in the *Papers of the Continental Congress*, No. 60, folio 165.

³ This report is in the *Papers of the Continental Congress*, No. 148, II, folio 73. The indorsement states that it was "approved."

Witness my Hand this Thirtieth Day of June A. D. 1781 and in the Fifth Year of Independence.

HENRY WARD Secry¹

A memorial from the hon^{ble} the Minister of France was read, stating that he has received some dispatches which he wishes to communicate to Congress by means of a committee:

Ordered, That a committee of five be appointed to receive the communications of the hon^{ble} the Minister of France:

The members, Mr. [John] Witherspoon, Mr. [Daniel] Carroll, Mr. [James Mitchell] Varnum, Mr. [John] Sullivan, Mr. [John] Mathews.²

The committee, ||consisting of Mr. Jenifer, Mr. Sherman, Mr. Bland,|| to whom was re-committed part of the report of the Board of Admiralty, delivered in a report; Whereupon,

The Committee to whom was recommitted part of the Report of the Board of Admiralty, Beg leave to Report.

That Richard Dale went out Master's Mate of the Continental Brig *Lexington* in Nov. 1776, was taken prisoner in the European Seas in the Summer 1777 when that Brig was captured, was carried to England where he remained a prisoner for a considerable time, escaped to France, entered on board the *Bon homme Richard* as a Lieutenant under Commission which he received from Doctor Franklin, was at the taking the *Serapis*, afterwards was Lieutenant with Captain Jones on board the *Alliance*—removed to be a Lieutenant on board the *Ariel* in which vessel he came to Philadelphia.

That Muscoe Livingston was appointed a Lieutenant of the Navy of the United States by Doc^r Franklin april 19th 1778. ~~That from the face of the commission it appears that several erasures have been made and insertions therein with different ink and handwriting, Therefore~~ It is the opinion of your Committee, that that part of the Report from the Board of Admiralty respecting the issuing a Commission to Muscoe Livingston be postponed.

¹ The original is in the *Papers of the Continental Congress*, Rhode Island, *Credentials of Delegates*.

² These three paragraphs, beginning with "A memorial," were also entered in the manuscript Secret Journal, Foreign Affairs.

That it has appeared to your Committee from the testimony of Captain Nicholson, and of one of your Committee that Alexander Murray, a Captain in the first Maryland Regiment, resigned his Commission in consequence of promises made to him by Mr Hancock and other members of Congress and of the Marine Committee that he should be appointed a Lieutenant of the Navy of the United States, and that his name should be entered on their books. That upon the destruction of some of the Frigates of these States the said Murray (who was brought up to sea affairs from his infancy and had a command of a vessel in the Eastern trade at 19 years of age) took the command of a private sloop of war, and captured two Privateers and several merchantmen, That he is a man of fortune and family and will in all probability be a credit to the Navy of the United States.

The Committee therefore submit to Congress the following Resolutions:

Resolved, That Richard Dale and Alexander Murray, be appointed lieutenants in the navy of the United States; and that commissions be issued to them accordingly.¹

The committee to whom was referred the letter, of 20 June, from the President of New Hampshire, with sundry papers enclosed, delivered in a report:

The Committee to whom was referred the letter of the President of the State of New Hampshire of the 20th of June last with the papers accompanying the same beg leave to submit to Congress the following report

Whereas the claims of the States of New Hampshire and New York to a tract of Country lying West of Connecticut River commonly called the New Hampshire Grants are yet unsettled;

And whereas the people inhabiting the said tract of Country have ~~ever since the present revolution~~ exercised the powers of Sovereignty and Independence under the name of the State of Vermont;

The United States in Congress assembled do most earnestly recommend to the States of New Hampshire and New York
Postponed
 and to the people inhabiting the disputed Territory aforesaid a speedy and amicable settlement of their respective claims ~~in such manner as they shall judge most conducive to it;~~

¹ This report, in the writing of Daniel of St. Thomas Jenifer, is in the *Papers of the Continental Congress*, No. 28, folio 143.

That copies of the Act of the Gen^l Assembly of the Commonwealth of the Massachusetts of the 8th day of March last respecting ~~aforsaid~~ the disputed Territory situate on the West side of the River Connecticut commonly called the New Hampshire Grants be transmitted to the States of New Hampshire and New York and the expediency of passing similar Acts be referred to the Said States;

And that in case the said States shall relinquish their respective claims to said District called the New Hampshire Grants or the State of Vermont bounded East by Connecticut River South by the North Line of the State of the Massachusetts West part by Lake Champlain ~~and Wood-Creek~~ to the West line of the Township of Dunbar from thence by the West lines of several Townships formerly granted by the Governor of New Hampshire to the North West Corner of the State of Massachusetts and Bounded North by Latitude forty five degrees.

The United States in Congress Assembled will guaranty to the States of New Hampshire and New York all the lands to them respectively belonging lying without their limits aforesaid, and the Jurisdiction over the same against any claims or encroachments from ~~the State of Vermont~~ the people inhabiting ~~the district of the New Hampshire grants~~ within the limits before described.¹

¹ This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 40, II, folio 77. Another version, in the writing of Roger Sherman, is on folio 79 and is as follows:

The committee to whom was referred the letter of the President of the State of New Hampshire of the 20th of June last, and the papers accompanying the same, beg leave to submit to Congress the following report:

Whereas the claims of the States of New Hampshire and New York to the Territory and Jurisdiction of a certain tract of Inhabited Country lying ~~between the Hartford and~~ West of Connecticut River, commonly called the New Hampshire Grants are yet unsettled, notwithstanding applications from the parties respectively for that purpose;

And whereas the people inhabiting the said tract of Country have for some time since, assumed and exercised in and in their own name the powers of Sovereignty and Independence, claiming the right of an Independent State, under the name of Vermont. To prevent therefore in future the mischiefs arising from such unsettled claims, The United States in Congress Assembled do earnestly recommend to the said States of New Hampshire and New York and to the people inhabiting the disputed Territory aforesaid to take the premises into their serious consideration and to use their best endeavours for an amicable settlement of said Controversy in such way as they shall judge most conducive to the public weal, hereby engaging to ratify and confirm whatever they may mutually agree to and perform. And in case the said parties can not agree in settling said dispute ~~upon due notice~~ the United States

Ordered, That Monday next be assigned for the consideration thereof.

A letter, of this day, from W. Honeyman, lieutenant and quartermaster of Invalid regiment, was read, requesting leave to resign: ¹

Ordered, That it be referred to the Board of War.

The Committee of the week report.

A Letter from Brig^d Gen^l Lach^r McIntosh requesting a fuller and more particular investigation of facts respecting his conduct in Georgia.

Resolv'd, That the said letter be referred to a special Committee.²

FOOTNOTE—Continued.

in Congress Assembled, upon application of the said parties or any of them, will proceed to examine into the merit of their several claims and finally determine thereon.

And whereas it hath been represented to the United States in Congress Assembled by the President of the State of New Hampshire that many of the Citizens of said State, inhabiting Towns on the East side of Connecticut River have lately withdrawn their Allegiance from said State and have refused to yield obedience to the laws thereof, and that they have been countenanced and aided therein by the people inhabiting the said New Hampshire Grants on the West side of said River, The United States in Congress Assembled consider this revolt as a disturbance of the peace of the United States and therefore do order and enjoin the said Citizens and all and every of them, inhabiting on the East side of Connecticut River who have revolted as aforesaid immediately to return to their allegiance to the said State of New Hampshire and the people inhabiting the said disputed Territory on the West side of Connecticut River called Vermont, are hereby strictly forbid giving any countenance, aid, or protection to the Citizens on the East Side of said River in their revolt aforesaid, upon pain of being considered as Enemies of the United States and treated and of being proceeded against accordingly.

That copies of the Act of the General Assembly of the Commonwealth of the Massachusetts of the 8th day of March last, respecting the aforesaid disputed Territory be transmitted to the States of New Hampshire and New York and the expediency of passing similar Acts be referred to the said States.

The two following paragraphs in the writing of Abraham Clark, are on folio 83:

That it be recommended to the States of New York and New Hampshire to consider of the expediency of relinquishing their respective claims of Jurisdiction to the Territory called the New Hampshire Grants West of Connecticut River and every part thereof from, &c.

That copies of the act of the Legislature of the Commonwealth of Massachusetts of the 8th day of March respecting the said Territory be transmitted to the Legislatures of the States of N. York and New Hampshire.

¹ This letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 167.

² This report, in the writing of Nicholas Eveleigh, is in the *Papers of the Continental Congress*, No. 32, folio 193. The indorsement shows it was passed in the negative.

A letter, of 20 [18], from Brigadier General L. McIntosh, was read.¹

The Grand Committee made report; Whereupon,

The Grand Com^{ee} submit the following Report:

That it be recommended to the several States to pass laws empowering the United States in Congress assembled to have use and exercise the right of laying Embargoes in time of War, provided that such Embargoes extend to all the States in the Union, and be laid for a term not exceeding sixty days, at any one time.

And also

That the quotas of monies called for by the United States in Congress assembled when voted by the respective States, be appropriated and vested specifically by the Legislatures of the respective States for the use of the United States in Congress assembled: And that the taxes so appropriated be paid by the Collectors in the first instance, to such person or persons as the United States in Congress assembled shall appoint for receiving the same.

Resolved, That the said committee be discharged and that the business committed to them, together with the said report, be referred to a committee of three:²

The members, Mr. [Edmund] Randolph, Mr. [Oliver] Ellsworth, Mr. [James Mitchell] Varnum.

A motion was made by Mr. [Edmund] Randolph, seconded by Mr. [James Mitchell] Varnum:

Ordered, That it be referred to the said committee.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JULY 21, 1781

The committee to whom was referred the letter from the treasurer;

The committee to whom was referred the memorial of Mr. Storey; and

The committee, ||consisting of Mr. Bland, Mr. Clymer, Mr. Osgood, Mr. Mathews, Mr. Jenifer, Mr. Bee,|| to whom was

¹ This letter is in the *Papers of the Continental Congress*, No. 162, folio 305.

² This report is in the *Papers of the Continental Congress*, No. 24, folio 15

referred the motion of Mr. [Theodorick] Bland, delivered in their respective reports:

The Committee on the motions of Col. Bland, and M^r Bee, make the following report, that it appears to your Committee that a considerable number of Inhabitants from the States of South Carolina and Georgia, having lately been exchanged, and relieved from the loathsome confinement of prisonships and dungeons, are lately arrived in this city, that the property of many of them, which was solemnly secured by the capitulation of Charlestown has in direct violation of the said capitulation been withheld from them; That they themselves have been subjected to every evil which their faithful adherence to our righteous cause could prompt a vindictive and disappointed enemy to inflict on them; that many of them have numerous and helpless families, who have been compelled to abandon their habitations, and to seek a temporary asylum in such of their sister states, as are in a more fortunate situation, and who are at this time not only stript of every comfort, but in a great measure destitute of the common necessities of life.

Your Committee therefore are of opinion, that for the purpose of administering suitable relief to these unfortunate but highly virtuous citizens, a recommendation be immediately forwarded from Congress to the several Executives in the Union to promote a loan of money within their respective states, and that it be notified to them that the Delegates representing the States of South Carolina and Georgia in Congress have pledged the faith of the said States for the repayment of the money so lent, in proportion to what shall be supplied to their respective Citizens as soon as the legislatures of the said states shall be in a condition to make provision for so doing; and that in the meantime the United States in Congress assembled will guarantee the re-payment of all monies lent for the above purpose ~~to the amount of twenty thousand dollars.~~

Your Committee are also of opinion that Congress do further recommend to the Executives of said States respectively to encourage and promote a benevolent contribution by way of free gift from the citizens thereof for the aforesaid purposes, to transmit as soon as possible an accurate state of the sums of money so lent or given, with the names of the subscribers, and to forward the Money so

subscribed to Philadelphia, there to be deposited in the hands of the Directors of the bank of the United States, who will superintend the proper application of the same and keep exact accounts thereof, and for the more conveniently advancing the loans before mentioned. Your Committee are of opinion, that it be recommended that the money be paid at 4 equal monthly payments, the first payment to be made at the time of subscribing.

The Committee also recommend, ~~as a further relief for many of the aforesaid persons~~ That the ~~Board of Treasury~~ Auditor General be directed forthwith to ascertain in the best manner they can the specie value at the time the same were dated of the several bills drawn by Major General Lincoln, in pursuance of the Resolution of Congress of the Day of 1780 ~~and also of such quarter-master's certificates, as were given in South Carolina in the same year,~~ and that the Superintendent of Finance issue certificates for the amount thereof, with lawful interest from their respective dates and also provide sufficient funds for the final Redemption of the said Certificates and for the punctual payment of the Interest thereof annually in specie, in the meantime.¹

The last report being taken up, and the following paragraph being under debate, viz.

“That for the purpose of administering suitable relief to these unfortunate but highly virtuous citizens (namely, sundry inhabitants of South Carolina and Georgia, lately arrived in cartels from Charlestown) a recommendation be immediately forwarded from Congress to the several executives in the Union, to promote a loan of money within their respective states; and that it be notified to them, that the delegates representing the states of South Carolina and Georgia in Congress, have pledged the faith of the said states for the re-payment of the money so lent, in proportion to what shall be supplied to their respective citizens, as soon

¹ This report, in the writing of Daniel of St. Thomas Jenifer, except the last paragraph which is in the writing of Thomas Bee, is in the *Papers of the Continental Congress*, No. 20, II, folio 387.

as the legislatures of the said states shall be in a condition to make provision for so doing; and that in the mean time the United States in Congress assembled, will guaranty the re-payment of all monies lent for the above purpose."

A motion was made by Mr. [James Mitchell] Varnum, seconded by Mr. [Oliver] Ellsworth, to postpone the consideration of that paragraph; and on the question for postponing, the yeas and nays being required by Mr. [Thomas] Bee,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} ay	Mr. Jenifer,	no	} no
Livermore,	ay		Carroll,	no	
<i>Massachusetts,</i>			Potts,	no	
Mr. Partridge,	no	} no	<i>Virginia,</i>		
Osgood,	no		Mr. Madison,	no	} no
<i>Rhode Island,</i>			Bland,	no	
Mr. Mowry,	ay	} ay	Randolph,	ay	
Varnum,	ay		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Sharpe,	no	} *
Mr. Ellsworth,	ay	} ay	<i>South Carolina,</i>		
Sherman,	ay		Mr. Mathews,	no	} no
<i>New Jersey,</i>			Bee,	no	
Mr. Witherspoon,	no	} *	Motte,	no	
<i>Pennsylvania,</i>			Eveleigh,	no	
Mr. Montgomery,	no	} no	<i>Georgia,</i>		
Clymer,	no		Mr. Walton,	no	} no
T. Smith,	ay		Howly,	no	
<i>Delaware,</i>					
Mr. McKean,	no	} *			

So it passed in the negative.

A division being then called for, and a question taken on the first part, so far as the words "a loan of money within their respective states," inclusive: it was lost, only five states being in the affirmative.

Adjourned to 10 o'Clock on Monday.

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